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# Large Scale Adaptive Re-Use: An Alternative to Big-Box Sprawl

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*University of Pennsylvania*

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A thesis in Historic Preservation Presented to the Faculties of the University of Pennsylvania in Partial Fulfillment of the Requirements of the Degree of Master of Science in Historic Preservation 2008.

Advisor: David Hollenberg

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# Large Scale Adaptive Re-Use: An Alternative to Big-Box Sprawl

## **Abstract**

"Sprawl is corroding the very sense of community that helps bind us together as a people and a nation." In 1993 the National Trust for Historic Preservation placed the entire state of Vermont on its list of 'America's 11 Most Endangered Historic Places'. Vermont, the only state ever placed on the list, was facing the imminent invasion of superstore sprawl, a predicament that threatened to "destroy the characteristics that define Vermont: historic town centers, a well-preserved countryside, working farms, scenic roads, locally owned small businesses, and most importantly, a strong sense of community fostered by compact, cohesive small towns." By placing Vermont on its 'Most Endangered' list, the National Trust helped to highlight the rapid proliferation of big-box sprawl as a significant concern for American preservationists and planners.

## **Comments**

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Sara Beth McLaughlin

A THESIS

in

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MASTER OF SCIENCE IN HISTORIC PRESERVATION

2008

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Advisor  
David Hollenberg  
Lecturer, Historic Preservation

---

Program Chair  
Frank G. Matero  
Professor of Architecture

For my mom.  
And in memory of James McLaughlin, Betty and Ralph DeNat and Faith Ryan.

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## Introduction

“Sprawl is corroding the very sense of community that helps bind us together as a people and a nation.”<sup>1</sup> In 1993 the National Trust for Historic Preservation placed the entire state of Vermont on its list of ‘America’s 11 Most Endangered Historic Places’. Vermont, the only state ever placed on the list, was facing the imminent invasion of superstore sprawl, a predicament that threatened to “destroy the characteristics that define Vermont: historic town centers, a well-preserved countryside, working farms, scenic roads, locally owned small businesses, and most importantly, a strong sense of community fostered by compact, cohesive small towns.”<sup>2</sup> By placing Vermont on its ‘Most Endangered’ list, the National Trust helped to highlight the rapid proliferation of big-box sprawl as a significant concern for American preservationists and planners.

Sprawl has been linked to pollution, global warming, downtown blight, the widespread loss of sense of community, homogeneous landscapes and even obesity. It is not the purpose of this paper to reiterate these facts but rather to examine one of the biggest contributors to sprawl, the big-box retailer, and present adaptive reuse as an opportunity for these retailers to do their part to work with communities to curb and ultimately combat sprawl. Communities

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1 Constance Epton Beaumont, *Better Models for Superstores: Alternatives to Big-Box Sprawl* (Washington, D.C.: National Trust for Historic Preservation, 1997), 7.

2 Constance Epton Beaumont, *How Superstore Sprawl can Harm Communities: And What Citizens Can Do About It* (Washington, D.C.: National Trust for Historic Preservation, 1994), v.

must consider how they can make reuse a more appealing option for retailers, while corporations need to consider the effects their stores have on the environment and the part they play on the sprawl epidemic.

National retailers, in their annual reports and public relations material, often claim that they care about the communities they serve. For example, Wal-Mart's community section of its website touts, "When we enter a neighborhood, we pledge to participate, contribute, and engage. We make a commitment to becoming a 'store of the community.'"<sup>3</sup> However, these words are often contradicted by their actions. In 2005, when proposing to build a 155,000 square foot supercenter near the Franklin Pierce Homestead in Hillsborough, New Hampshire, Wal-Mart initially refused to comply with the National Historic Preservation Act, which requires an impact study for new construction near local historical sites. At the time, a Wal-Mart spokesperson was quoted as saying the impact study "doesn't make a lot of sense from a business standpoint".<sup>4</sup> While the Wal-Mart eventually agreed to complete the study, they still held that "a legal argument can be made that we don't need one."<sup>5</sup>

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3 Wal-Mart Stores, "Community," <http://walmartstores.com/GlobalWMStoresWeb/navigate.do?catg=216> (accessed 3/17/2008, 2008).

4 Brian Kline, "Arrogant Wal-Mart Ignoring Historical Preservation Rules," [http://walmartwatch.com/blog/archives/arrogant\\_wal\\_mart\\_ignoring\\_historical\\_preservation\\_rules/](http://walmartwatch.com/blog/archives/arrogant_wal_mart_ignoring_historical_preservation_rules/) (accessed 3/17/2008, 2008).

5 Todd Morrison, "Wal-Mart Says OK to Review," *New Hampshire Union Leader*, September 15, 2005.

What seems to be a common belief is that communities overwhelmingly object to these large scale retailers on all fronts. However, one look at Target's or Wal-Mart's annual reports will show that most citizens are embroiled in a love-hate relationship with these retailers. While they may value the stores' low prices and wide selection, it is the physical imposition of their stores upon the community's social and material fabric to which they object. Towns such as St. Albans, Vermont and Petoskey, Michigan have tried to work with developers in an attempt to recycle existing buildings in their downtowns, but were ultimately dismissed. In the case of Petoskey, the developer simply said "There's not a department store chain in the nation that today goes into a downtown market."<sup>6</sup>

This thesis will demonstrate that reuse can be an operational and financially sound option that must be seriously considered in this time of heightened teardowns, widespread sprawl and increased environmental consciousness. While recycling existing, often multi-level buildings "requires more creativity than putting up a one-level box in the middle of a cornfield, some developers and retailers have demonstrated a willingness to be creative and to consider the long-term interests and desires of the community in which they locate."<sup>7</sup> These precedent setting examples are proof that major discount stores are able to manipulate their national development formulas to work in our existing inventory of empty warehouses, mills and other large-scale buildings.

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<sup>6</sup> Beaumont, *Better Models for Superstores : Alternatives to Big-Box Sprawl*, 7.

<sup>7</sup> Beaumont, *How Superstore Sprawl can Harm Communities: And what Citizens Can Do About It*, ix.

Would it really be unheard of for a Wal-Mart to adapt its business formula to enable it to occupy a smaller store that would seamlessly fit into a struggling downtown? This adapted formula could result in formula retailers contributing to the renaissances of downtowns across the country. As a result, the public's perception of such retailers might improve, perhaps leading to increased patronage and ultimately more money for the corporation. Or what if Target created a formula to design each store specifically for the community it is entering, allowing for an aesthetic cohesion that would maintain the community's character? The result: improved public perception and as a result, increased patronage and better press.

Adding to the negative image of these retailers and their role in sprawl is the increasing number of stores they build and then, only years later, abandon. This big-box blight results from two trends: the oversaturation of the market ("in their quest for market share chains like Wal-Mart, Target and Lowe's have built far more retail space than the market can support"<sup>8</sup>) and self-reinvention. For example, Wal-Mart has steadily been vacating its older stores that come in at about 100,000 square feet to make way for new supercenters. "As of June 2007, Wal-Mart had 246 vacant or soon-to-be-vacant stores...almost all of which were

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8 Institute for Local Self-Reliance, *"Big-Box Blight: The Spread of Dark Stores,"*  
<http://www.bigboxtoolkit.com/images/pdf/bigboxblight.pdf> (accessed 4/11/2008).

left empty when the company built a larger store nearby.”<sup>9</sup> According to Stacy

Mitchell’s *Big-Box Swindle*:

“No one knows exactly how much retail space currently sits idle, but the tally is somewhere in the neighborhood of several hundred million- perhaps approaching 1 billion- square feet. That’s not even counting the acres of parking that surround many of these lifeless properties.”<sup>10</sup> (See Figure 1)

As a result of this trend, not only do towns continue to be the stewards of the buildings that were vacant when the big-box came into the community, but now, they are also responsible for this additional empty space. And once such buildings are deserted the retailers that abandoned them often take steps to block other competitors from occupying the site. For example, the original tenant will continue to pay rent, or a clause in the original lease agreement will forbid “property owners from leasing the building to another company without the original tenant’s approval.”<sup>11</sup> These measures, while good for the retailer, create nothing but unnecessary economic and social strain on the community. “These massive, windowless single-story buildings are not suitable for much beyond big-box retailing”<sup>12</sup> and as a result usually sit empty for extended periods of time, incurring high public costs.

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9 *ibid.*

10 Stacy Mitchell, *Big-Box Swindle: The True Cost of Mega-Retailers and the Fight for America's Independent Businesses* (Boston: Beacon Press, 2006), 318.

11 Institute for Local Self-Reliance, “Big-Box Blight: The Spread of Dark Stores,” <http://www.bigboxtoolkit.com/images/pdf/bigboxblight.pdf> (accessed 4/11/2008).

12 *ibid.*

**Vacant Square Footage**

0 - 100,000
100,000 - 350,000
350,000 - 800,000
800,000 - 1,300,000
1,300,000 - 2,000,000

(Courtesy of the Institute for Local Self Reliance, <http://www.newrules.org>)



Regardless of store closings, bad publicity or public outcry, large retailers continue to build new boxes while communities often remain ineffective in standing up to these retailers to protect their existing landscape and community. The sooner retailers are met with prepared communities that provide them no other option but to adapt an existing structure the sooner the turbulent state of sprawl will begin to be controlled.

## Chapter 1

### Adaptive Reuse and Sprawl: An Overview

“What we need is continuity... historic preservation is not sentimentality but a psychological necessity. We must learn to cherish history and preserve worthy old buildings... we must learn how to preserve them, not as pathetic museum pieces, but by giving them new uses.”

-Ada Louis Huxtable<sup>13</sup>

Change is inevitable. As time passes, logically development occurs. Often our built environment becomes a victim of this change and buildings that once served a viable purpose sit empty and decaying, often facing demolition. Such vacant structures stand as memorials to their former life, be it as an old warehouse, or an industrial site. The reasons for their abandonment can vary, but it remains that these buildings are monuments of our past and can still serve a practical purpose; most times through adaptive reuse. These large scale structures are an important part of our historical inventory and should be considered as such.

As preservationists it is our obligation to act as the stewards of the past, to manage this change and to fight for the functionality of these structures. Adaptive reuse has persevered as a viable and often favorable method of historic preservation in comparison to its alternative, the historical approach of

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<sup>13</sup> Ada Louise Huxtable, “Lessons in how to Heal the City's Scars,” *New York Times*, May 27, 1973.

“museumification” of an historic site. As David Woodcock states “[t]he museum approach to historic preservation, while appropriate in some cases, will not work as a general pattern. Change is an inevitable part of life and it should be celebrated rather than regretted.”<sup>14</sup>

One of the most concise definitions of adaptive reuse is provided by the Urban Land Institute: “converting a building originally designed for one purpose to an economically viable new purpose.”<sup>15</sup> (To further this definition for the purpose of this paper, mentions of adaptive use, reconfiguration and rehabilitation will reference the practice of reuse.) By definition, this new purpose is enabled through adaptive reuse and is quite different from the original use of the building.

While the term adaptive reuse was not coined until the 20<sup>th</sup> century, the idea is one that has been around for centuries, as evident by scores of examples from around the globe. Take for example the Teatro di Marcello in Rome. Possibly one of the oldest sites in the world that has been reconfigured, the theater, dating back to Julius Caesar, has found new life as apartments and a small concert venue. In India, the Neemrana Fort Palace dating from the 15<sup>th</sup> century now functions as a hotel. MassMOCA in the United States is an impressive and quite successful example of reuse. A 19<sup>th</sup> century complex of

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14 Richard L. Austin and others, *Adaptive Reuse: Issues and Case Studies in Building Preservation* (New York: Van Nostrand Reinhold, 1988), vii.

15 Jo Allen Gause and others, *New Uses for Obsolete Buildings* (Washington, D.C.: Urban Land Institute, 1996), v.

factory buildings, it now “ranks among the most visited institutions in the United States dedicated to new art.”<sup>16</sup>

Today, with the growing concern for the environment and the regularity of homogenous, often sub-standard construction, adaptive reuse should be considered more than ever before. Our existing inventory of unused structures should not be disregarded for they contain architectural character and allow us as a society to continue to develop while protecting the environment in a financially sound way.

## **I. Sense of place and Community Aesthetics**

As stated by John Brademas in Barbaralee Diamondstein’s book *Remaking America: Buildings Reborn: New Uses, Old Places* “[w]hen we thoughtlessly obliterate the buildings and places of our past, we demonstrate an insensitivity to what we were, [and] a disdain for what we in part still are.”<sup>17</sup> Whether an abandoned industrial warehouse, a theater whose curtains have long since gone down, or an old factory of a bygone era, every building has a connection to our local or national history. Opting to destroy these remnants of the past diminishes the connection current and future generations have with the past.

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16 MASS MoCA, “What we do and Why we do it,” <http://www.massmoca.org/mission.php> (accessed 1/14/2008, 2008).

17 Barbaralee Diamondstein, *Remaking America: Buildings Reborn: New Uses, Old Places* (New York: Crown, 1986), 11.

As cities and towns were built up over time, existing structures tell an architectural story while adding interest to our landscape. Although some of our abandoned buildings may appear less architecturally significant than others, many were built with superb craftsmanship and are representative of local vernacular architecture. As our society continues to develop, we increasingly see identical landscapes from town to town. Adaptive use of our under-utilized buildings protects our heritage while affording us community character and aesthetically pleasing environs. To quote the New York Landmarks Preservation Commission,

“[c]reative adaption provides pride in our heritage, a link with the past, respect for the aesthetics and craftsmanship of another time, insights into our own development, ample creative opportunity for architectural innovation and problem solving, enhancement of the urban fabric, greater security, stability and beauty, while conserving basic materials and meeting modern needs.”<sup>18</sup>

In the past, shopping at the local downtown department store was constructed to exhibit a sense of grandeur and to proportionately represent its inhabitant’s fiscal or social standing. Today, our large downtown department stores have been replaced by outer-ring big-boxes that aesthetically cannot compare to the department stores of the 19<sup>th</sup> and 20<sup>th</sup> century. Unfortunately, these department store replacements, while large and more profitable than their predecessors, intend to maintain their profitability by keeping construction and design costs down rather than showing their status through an impressive

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18 *ibid.*, 18.

building. Combine this “bottom line” mindset with the accelerated rate of construction that leaves no room for the evolution of architectural styles, and America is left with ubiquitous homogenized landscapes from town to town.

The assault on the aesthetics of our built environment has long been a concern for America. In the 1800’s,

“... [aesthetic] problems were usually solved by private citizens purchasing a threatened structure; regulations were unheard of. In fact, it was not clear in those early days whether governments even had the authority to buy or condemn land for aesthetic purposes.”<sup>19</sup>

However, by the end of the century, courts were becoming increasingly amenable to the idea of regulating aesthetics. Although they maintained aesthetics were “a matter of luxury and taste,”<sup>20</sup> they justified their approvals by basing them “on fire protection, safety, and economics.”<sup>21</sup> Eventually in the 1950’s, the U.S. Supreme Court decision in *Berman v. Parker* allowed government action based on aesthetics.

“The concept of the public welfare is broad and inclusive... The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy...”<sup>22</sup>

Finally in 1978 with the ruling of *Penn Central Transportation Co. v. New York City* government’s ability to rule on aesthetic matters was confirmed:

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19 Christopher J. Duerksen and R. Matthew Goebel, *Aesthetics, Community Character, and the Law* (Chicago, IL: American Planning Association, 1999), 5.

20 *ibid.*, 6.

21 *ibid.*, 6.

22 *Berman v. Parker*, 348 U.S. 26 (1954).

“... This court has recognized, in a number of settings, that states and cities may enact land-use regulations or controls to enhance the quality of life by preserving the character and the desirable aesthetic features of a city...”<sup>23</sup>

## II. Adaptive Reuse and the Environment

The connection between the environment and historic preservation may not seem obvious. However, “in the United States, the connection between historic preservation and environmental conservation was first made nearly 35 years ago during the oil embargo and Iranian revolution.”<sup>24</sup> This association has continued over the years and has recently been strengthened through increased awareness of the global warming trend.

While accurate current statistics are difficult to come by, we can begin to understand this connection by considering the materials that go into a building: lumber, glass, cement, brick, tile, insulation, and wire, just to name a few. Although the actual material list varies from building to building, the sheer volume of materials remains a staggering reality. If an existing building is razed to make way for a new one, all those materials are turned into waste and considered Construction and Demolition (C&D) Debris.

As implied by the name, this waste comes in two forms: construction and demolition waste. Regarding the latter, according to the EPA, 136 million tons of

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<sup>23</sup> *Penn Central Transportation Co. v. New York City*, 435 U.S. 920 (1978).

<sup>24</sup> Patrice J. Frey, *Measuring Up: The Performance of Historic Buildings Under the LEED-NC Green Building Rating System* (University of Pennsylvania, 2007), 1.

building-related construction and demolition materials were generated in the United States in 1996<sup>25</sup>, making up more than half of all landfill waste.<sup>26</sup> Just over 77 thousand tons of that is from the demolition of non-residential structures. If we add to that debris from residential buildings, the total goes up to 64,800 tons of demolition debris or 48% of all C&D debris.<sup>27</sup> (See Figure 2)

Secondly, we must consider construction waste. While determined to be just a fraction of the total, it would be negligent to omit. As shown in Figure 3, nonresidential construction generates a mere 3% of the total C&D debris.<sup>28</sup> Although that number seems small, what we must remember is that, although this percent is a mere fraction of the larger picture, it can seldom be considered alone; meaning, that often when one building is constructed it is replacing one that has been torn down. Therefore, a percent of that 3% must be added to a percent of the demolition waste.

### **III. Adaptive Reuse and Embodied Energy**

Embodied energy, defined as “the sum of all the energy required to extract, process, deliver and install the materials needed to construct a

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25 United States Environmental Protection Agency, “Basic Information | C&D Materials | Wastes | US EPA,” <http://www.epa.gov/epaoswer/non-hw/debris-new/basic.htm> (accessed 1/16/2008).

26 Tabitha Alterman, “Reduce Your Building Waste,” *Mother Earth News*, Summer 2005, 4.

27 Franklin Associates, *Characterization of Building-Related Construction and Demolition Debris in the United States* (Washington, D.C.: The U.S. Environmental Protection Agency Municipal and Industrial Solid Waste Division Office of Solid Waste, 1998), 2-11.

28 *ibid.*, 2-11.



	Residential		Nonresidential		Totals	
	Thous. of Tons	Percent	Thous. of Tons	Percent	Thous. of Tons	Percent
Construction	6,560	11	4,270	6	10,830	8
Renovation	31,900	55	28,000	36	59,900	44
Demolition	19,700	34	45,100	58	64,800	48
Totals	58,160	100	77,370	100	135,530	100
	43%		57%		100%	

Figure 2: Summary of Estimated Building- Related C&D Debris Generation, 1998

(Courtesy of Franklin Associates, Characterization of Building-Related Construction and Demolition Debris in the United States)

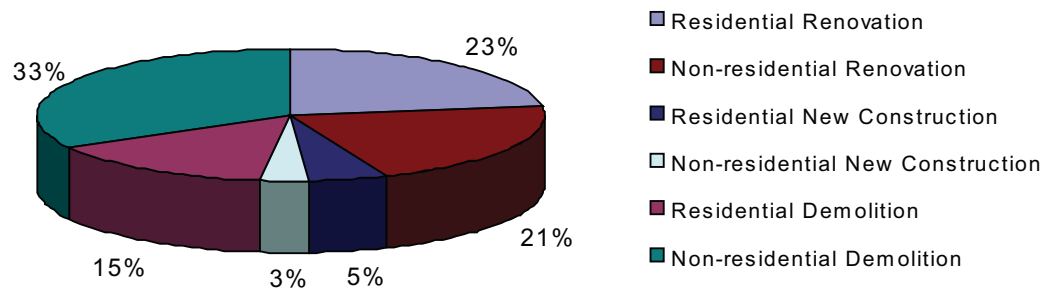


Figure 3: Generation of Construction and Demolition Debris from Buildings, 1998

(Courtesy of Franklin Associates, Characterization of Building-Related Construction and Demolition Debris in the United States)

building”,<sup>29</sup> is another factor to consider when “measuring the overall benefits of building renovation versus new construction.”<sup>30</sup> Although a rather intangible factor, the total energy embodied in older buildings represents a valid, nonrenewable resource that can be calculated.

In 1976, Richard Stein Associates worked with researchers at the University of Illinois at Urbana-Champaign to produce *Energy Use for Building Construction*. Although this work was based on construction industry data from 1967, it remains one of the most thorough studies on the topic to date. Bruce Hannon, the leader of the embodied-energy research team at the University, said in a 2005 article,

“With new basic energy data and with the papers we had done in the 1970s, it would be a daunting task to update the total energy-cost data for all the parts of the modern buildings. Until that time, the data we generated with Stein and his associates can serve as a guide in assessing the energy cost of architecture, including the energy embodied in existing buildings.”<sup>31</sup>

In this study, the most typical materials from historic structures were surveyed, such as lumber, Portland cement, glass and steel, while materials such as stone and plaster were not examined. In the case of stone, the omission is justified by noting that “[u]nlike brick masonry or concrete, stone does not typically require any heating process, just the mechanical energy to quarry, cut,

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29 Mike Jackson, “Embodied Energy and Historic Preservation: A Needed Reassessment,” *APT Bulliten: The Journal of Preservation Technology* 36, no. 4 (2005): 47.

30 *ibid.*, 47.

31 *ibid.*, 52.

shape and deliver it.”<sup>32</sup> Therefore, it should have a “lower embodied energy than brick masonry or concrete...”<sup>33</sup> Plaster, on the other hand, can be compared to the findings for concrete “since both materials contain a high degree of aggregate, which had a low embodied energy, and a relatively small percentage of binder, which have higher embodied energies.”<sup>34</sup>

While materials make up 49% of the embodied energy in a structure, categories as seemingly insignificant as transportation and administration are also factored into a building’s embodied energy. (See Figure 4) When a building is razed, all of this energy must be considered wasted along with the tangible materials.

In 1979, the Advisory Council on Historic Preservation contracted Booz, Allen & Hamilton to conduct a study on energy conservation and historic preservation. The report, *Assessing the Energy Conservation Benefits of Historic Preservation: Methods and Examples*, established embodied energy values in existing buildings, energy required for demolition, and energy required for new construction. The report uses three different methodologies for measuring the embodied energy in an historic building: the concept model, where buildings are given an energy value based on square footage, the inventory model, where an accurate computation of all the material in the building is needed, and the survey

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<sup>32</sup> *ibid.*, 49.

<sup>33</sup> *ibid.*, 49.

<sup>34</sup> *ibid.*, 49.

model, which is based on the hypothesis that most of a structure's embodied energy is contained within the architectural materials.<sup>35</sup>

Presented in terms of BTUs (British Thermal Units), and based on the concept model, the report determines the amount of energy required to demolish an existing building. (See Figure 5) While not the worst energy offender, demolishing a large building of 500,000 square feet or larger made of masonry and/or concrete will waste 10,500 BTUs/square foot or 5.25 billion BTUs.<sup>36</sup> To fully understand that figure, consider that 5.25 billion BTUs converts to 42,339 gallons of gas<sup>37</sup>, almost 90 times the per capita annual gasoline usage in the United States in 2006. Even more staggering is the fact that this is just for one large nonresidential building. If we consider that "[i]n 1995, a total of 43,795 nonresidential demolition permits were issued"<sup>38</sup> this statistic is evidence of the wastefulness of building demolition.

#### **IV. Financial Benefits of Adaptive Reuse**

Aside from the environmental benefits of reuse, there are also financial benefits for both the public and developers. Currently, whether they shop there or not, or whether they ethically agree with their practices, citizens support big-

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35 *ibid.*, 49-50.

36 *ibid.*, 49.

37 Energy Information Administration, "EIA - Energy Basics - Converting Energy Units," [http://www.eia.doe.gov/basics/conversion\\_basics.html](http://www.eia.doe.gov/basics/conversion_basics.html) (accessed 1/17/2008).

38 Franklin Associates, *Characterization of Building-Related Construction and Demolition Debris in the United States*, 2-7.

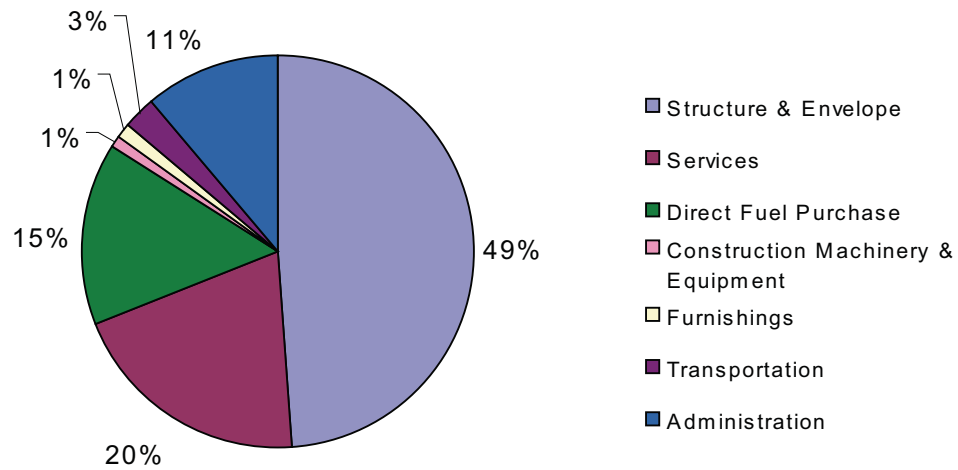


Figure 4: Embodied Energy of a Building by Category

(Courtesy of Energy Resource Group of the Center for Advanced Computation at the University of Illinois at Urbana-Champaign and Richard G. Stein & Associates, Energy use for Building Construction)

Construction Type	Small Building	Medium Building	Large Building
	5,000-15,000 sq. ft.	50,000-150,000 sq. ft.	500,000+ sq.ft.
Light (wood frame)	3,100 BTU / sq. ft.	2,400 BTU / sq. ft.	2,100 BTU / sq. ft.
Medium (steel frame)	9,300 BTU / sq. ft.	7,200 BTU / sq. ft.	6,300 BTU / sq. ft.
Heavy (masonry, concrete)	15,500 BTU / sq. ft.	12,000 BTU /sq. ft.	10,500 BTU / sq. ft.

Figure 5: Demolition Energy for Existing Buildings, Concept Model, 1979

(Courtesy of The Advisory Council on Historic Preservation, Assessing the Energy Conservation Benefits of Historic Preservation: Methods and Examples, 1979)

box retailers through subsidies financed through their taxes. Subsidies range from “the obvious to the obscure and include big projects—like the billions we spend on new roads—as well as smaller ones—like the tax-breaks that encourage businesses to move to the edge of town.”<sup>39</sup> When businesses extend to rural locations, additional municipal infrastructures such as roads, utilities and services are needed. Governments offer subsidies as a way to entice retailers and help fund the creation of these services. However, by adapting unused buildings in already developed areas, the need for these new roads, utilities and services is minimized and governments will have less need to offer such subsidies to lure retailers. (See Chapter 5 for more information about subsidies.)

Although many developers shy away from historic rehabilitation projects based on the assumption that regulations and costs are always prohibitive, this is not always the case. Programs such as the federal Historic Preservation Tax Incentive were created to make working with an historic property an appealing and financially viable option for developers. It is true that rehabilitation is not always a viable option, but with wise planning and management, a reuse project can even save a developer money on an already costly project.

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39 Sierra Club Challenge to Sprawl Committee, *Sprawl Costs Us All- How Your Taxes Fuel Suburban Sprawl* (San Francisco, CA.: Sierra Club, 2000).

Since its inception in 1976, the Historic Preservation Tax Incentives Program “has generated over \$40 billion in historic preservation activity”<sup>40</sup>. Under the current tax law, there are two different credits, meaning a lowering of the amount of tax owed (“[i]n general, a dollar of tax credit reduces the amount of income tax owed by one dollar.”<sup>41</sup>) available for non-residential, income-producing structures, which could make adaptive reuse an appealing option for retailers. A 20% tax credit is available for a certified rehabilitation of a certified historic structure, while a 10% tax credit is available for rehabilitation of a building constructed in 1936 or before that is not a certified historic structure. Additionally, to qualify for the 20% credit, the rehabilitation must be substantial. As defined by the IRS, substantial means that:

“rehabilitation expenditures must exceed the greater of \$5,000 or the adjusted basis of the building and its structural components. The adjusted basis is generally the purchase price, minus the cost of land, plus improvements already made, minus depreciation already taken.”<sup>42</sup>

Similarly, for the 10% tax credit, the rehabilitation must also be substantial, however, in this case the property must be depreciable.<sup>43</sup> In lay terms, a developer who spends \$1 million completing a certified rehabilitation on

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40 National Park Service U.S. Department of the Interior Technical Preservation Services, *Federal Tax Incentives for Rehabilitating Historic Buildings* (Washington, D.C.: National Park Service, 2007).

41 Michael J. Auer, *Preservation Tax Incentives for Historic Buildings* (Washington, D.C.: U.S. Department of the Interior National Park Service Cultural Resources, 1996), 3.

42 *ibid.*, 8.

43 *ibid.*, 14.

a certified historic structure (assuming those expenses are qualified and in compliance) is eligible for a 20% tax credit equaling \$200,000.

As defined by the law, a certified historic structure must “be listed individually or located in a registered historic district and certified by the National Park Service as contributing to the historic significance of that district.”<sup>44</sup> Similarly, certified rehabilitation is defined as “rehabilitation of a certified historic structure that is approved by the NPS as being consistent with the historic character of the property and, where applicable, the district in which it is located.”<sup>45</sup> Rehabilitation must also conform with the ‘Secretary of the Interior’s Standards for Rehabilitation.’

These federal tax credits can often make or break the feasibility of a project, and in many cases can be supplemented by other important if less powerful incentives. “[D]evelopers can use incentives for energy conservation, public transit, and child-care facilities, as well as state and local programs with historic tax credits to achieve the financing necessary for rehabilitation projects.”<sup>46</sup> For example, New Jersey and Maryland are two states that have created ‘smart codes’ which “modify buildings code standards for the rehabilitation of older buildings... Under the revised codes, an entire building

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44 *ibid.*, 5.

45 *ibid.*, 6.

46 Christine Rombouts, “Promoting Preservation,” *Commercial Investment Real Estate* 22, no. 6 (2003), 37-39.



no longer must be brought into full compliance with current (new construction) codes, greatly reducing costs and making reinvestment possible.”<sup>47</sup>

Resources such as these make reuse an attractive option, but require intensive management and thorough planning to avoid any substantial risks. According to Jeff Cronin, principal planner for design and historic preservation for the city of Pasadena, California, “[l]ike any project, this kind of development requires good thorough due diligence, but it’s a much more intense process. The due diligence period is often more intense before the land is purchased to ensure the project is financially viable.”<sup>48</sup>

Carefully managing a reuse project can maximize both financial and bureaucratic benefits for both parties. For example, for an owner, seeking out developers and architects who can successfully incorporate as much of the historical fabric of the structure into the design as possible will maximize financing opportunities.<sup>49</sup> Additionally, if a structure is carefully selected it should not require extensive structural alterations, resulting in a shorter development period and allowing a client to generate income quicker, ultimately saving money for all involved.

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47 Robert Puentes, *What can Historic Preservation Accomplish?*, Vol. 1 (New York, N.Y.: Living Cities, Inc.) [http://www.livingcities.org/Policy\\_Series\\_V1/Puentes\\_full.pdf](http://www.livingcities.org/Policy_Series_V1/Puentes_full.pdf), 5.

48 Rombouts, “Promoting Preservation,” 37-39.

49 Gretchen Barta, “Everything Old is New again,” *Commercial Investment Real Estate* 21, no. 2 (2002), 30.

## V. Origins of Big-Box Stores

It's hard to deny the popularity of big-box retailers. The discounted prices and wide selection of merchandise make them an almost unavoidable convenience. Their role in our society is so prevalent that in 2007, Wal-Mart declared \$344,992 million in net sales<sup>50</sup> while in 2006, Target's revenue came in at \$59,490 million<sup>51</sup>, both of which are steady increases from prior years.

According to the American Planning Association, big-box retailers can be divided into four categories: large general merchandise stores such as Wal-Mart and Target, specialized product or "category killers" such as Home Depot and Staples, outlet stores such as Big Lots and Burlington Coat Factory, and warehouse clubs such as Costco and Sam's Club.<sup>52</sup> However, regardless of the category they fall into, the definition of big-box remains the same:

"A big-box retail store is typically a one-story warehouse building with a height of 30 feet or more, simple and rectangular in construction, made of corrugated metal, concrete block, or brick-faced walls, and ranging in size from 20,000 to 260,000 square feet. It is generally a stand-alone building with a large parking lot or part of a larger shopping center."<sup>53</sup> (See Figure 6)

It is commonly believed that the physical appearance of these stores has spawned from the form of an industrial warehouse. "...[B]ig boxes are the direct descendants of a particular kind of building. The warehouse... Now, they've

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50 Wal-Mart Stores Inc., *Wal-Mart 2007 Annual Report* (Bentonville, AR: 2007).

51 Target Corporation, *Target Corporation Annual Report 2006*, 2.

52 Jennifer Evans-Cowley and American Planning Association, *Meeting the Big-Box Challenge: Planning, Design, and Regulatory Strategies* (Chicago, IL: American Planning Association, 2006), 6.

53 *ibid.*, 6.

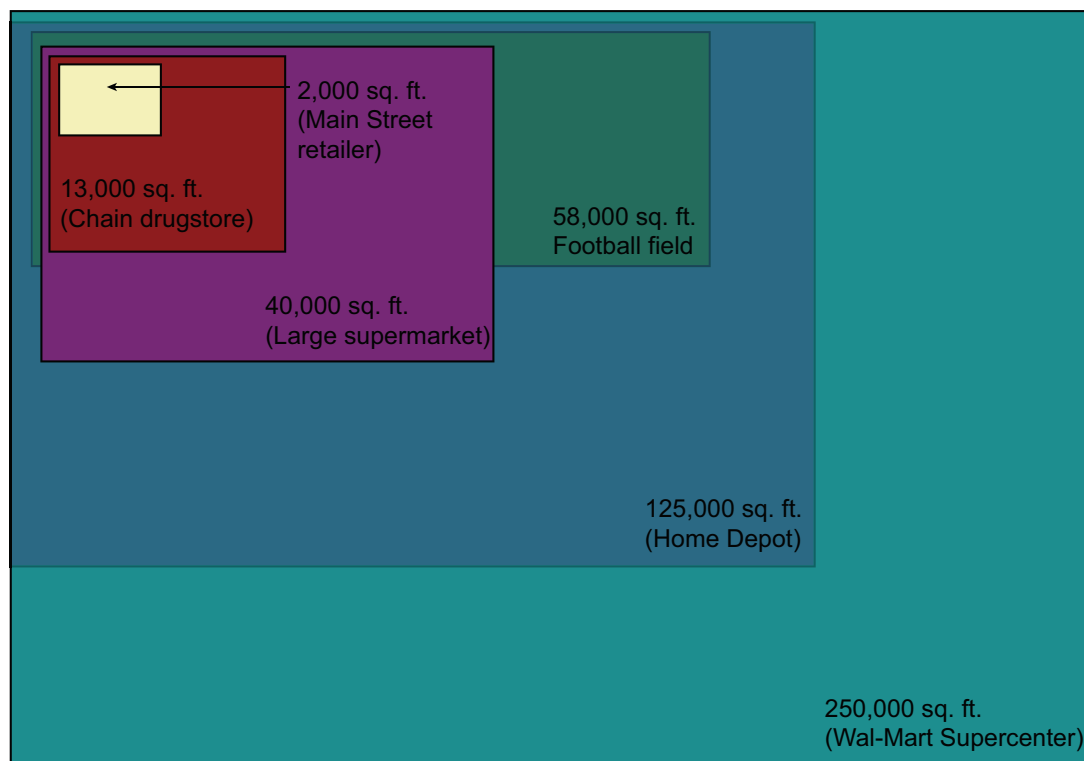


Figure 6: Average Square Footage of Various Retail Spaces

(Courtesy of The New Rules Project, <http://www.newrules.org/retail>)

taken the warehouse, dressed it up a bit, and set it down in the center of the landscape.”<sup>54</sup>

Part of the formula that allows these retailers to offer discounted merchandise is their bare-bones, repetitive architecture. Lower costs expended by the retailer to build contribute to lower price points, which they are able to pass onto the consumer. Instead of spending a large capital investment to create a visually stimulating building, retailers will opt to use consistent branding throughout the interior as an inexpensive and effective way to build recognition and customer loyalty. “Big-box interiors tend to have strong ‘signature components,’ as they are called by designers, so the store- and its layout- is instantly recognizable, whether it is in Deptford, Des Moines or Denver.”<sup>55</sup> For instance, if a shopper sees a yellow smiley face, chances are they know they are in a Wal-Mart. Same goes for the red bulls-eye or even a color- think Home Depot. These branding tactics create loyalty and recognition while keeping costs down and revenue up.

It is not only the physical structure of a big-box store we have come to recognize but its surrounding landscape. Created for and reliant on an automobile dependant society, big-box retail centers are most often located near a highway with easy on/off access. To accommodate all of the auto-borne

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<sup>54</sup> Thomas Ferrick Jr., “The Big Box Boom in Retailing,” *The Philadelphia Inquirer*, January 12, 1997.

<sup>55</sup> *ibid.*

shoppers, the recognizable stores are surrounded by acres of parking that “often eschews any community or pedestrian amenities.”<sup>56</sup> How big are these parking lots? According to the Sierra Club, a Wal-Mart supercenter can span several acres, and the parking lots can be three times the size of the stores, bringing the total footprint to more than 18 acres.<sup>57</sup> As of February 14, 2008, Wal-Mart had 2435 supercenters in the US. Multiply those by 18 acres and you have 43,830 acres taken up by Wal-Mart supercenters alone, more than twice the size of Manhattan.

## **VI. Effects of Big-Box Sprawl**

According to the National Trust for Historic Preservation, sprawl is defined as “poorly planned, low-density, auto-oriented development that spreads out from the center of communities.” Big-box retailers are one of the main catalysts of sprawl, which results in a laundry list of problems.

“...[B]ig box stores impose hidden costs that don’t appear on the price tags of the products they sell: traffic congestion; loss of trees, open space and farmland; displaced small businesses; substitution of jobs that support families with low-paying jobs that don’t; air and water pollution; dying downtowns with vacant buildings; abandoned shopping centers; and a degraded sense of community.”<sup>58</sup>

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56 Christopher Duerksen, “Site Planning for Large-Scale Retail Stores,” (Chicago, IL: American Planning Association, 1996), 1.

57 Sierra Club, “How Big Box Stores like Wal-Mart Effect the Environment and Communities,” [http://www.sierraclub.org/sprawl/reports/big\\_box.asp](http://www.sierraclub.org/sprawl/reports/big_box.asp) (accessed 2/14/2008).

58 Constance E. Beaumont and Leslie Tucker, “Big-Box Sprawl (and How to Control it),” *Municipal Lawyer* 43, no. 2 (2002), 7.

The amount of land one big-box retailer take up can be hard to imagine. So consider this, "In 2007, Wal-Mart reported having over 4,000 U.S. stores, including 276 new supercenters and a total of 618 million square feet of selling space. By 2015, Wal-Mart expects to occupy more than 215 square miles, an area more than 4 times the size of the city of Boston."<sup>59</sup> By developing an unprecedented amount of land, these retailers ultimately have a hand in the destruction of our natural resources. Not only does construction destroy wildlife habitats, open space and unique natural areas, water supplies are compromised through mismanagement of storm water runoff and air is polluted as a result of increased overdependence on cars.

This overdependence on auto-borne shoppers ultimately contributes to global warming. Because consumers need to drive more, car emissions increase, and the greenhouse gases that are produced by car emissions contribute to global warming.<sup>60</sup> In a report published by the Urban Land Institute, researchers found that in order to curb emissions three areas must be addressed: improved vehicle efficiency, cleaner fuels and a reduction in the amount of miles driven. However, policy initiatives at both the federal and state levels have focused almost exclusively on vehicle efficiency and cleaner fuels with only a growing acknowledgement that managing the amount of miles driven has to be

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59 Sierra Club, "How Big Box Stores like Wal-Mart Effect the Environment and Communities," [http://www.sierraclub.org/sprawl/reports/big\\_box.asp](http://www.sierraclub.org/sprawl/reports/big_box.asp).

60 Roberta F. Mann, "Tax Incentives for Historic Preservation: An Antidote to Sprawl?" *Widener Law Symposium Journal* 8, no. 2 (2001-2002), 211.

addressed.<sup>61</sup> The report goes on to say that “if sprawling development continues to fuel growth in driving, the projected 59 percent increase in the total miles driven between 2005 and 2030 will overwhelm expected gains from vehicle efficiency and low-carbon fuels.”<sup>62</sup> All this research supports the same conclusion, but how do we move to decrease the amount of miles driven? According to Reid Ewing, the report’s author, “[t]he research shows that one of the best ways to reduce vehicle travel is to build places where people can accomplish more with less driving.”

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61 Reid Ewing, Keith Bartholomew, Steve Winkelman, Jerry Walters and Don Chen with Barbara McCann and David Goldberg, *Growing Cooler: The Evidence on Urban Development and Climate Change* (Washington, D.C.: Urban Land Institute, October 2007).

62 Smart Growth America, “Growing Cooler,” <http://www.smartgrowthamerica.org/gcindex.html> (accessed 2/15/2008).

## Chapter 2

### The Mission Should be to Control Not to Prevent

In any effort to entice big-box retailers away from new construction and towards adaptive reuse, what needs to be understood is the undeniable market demand for big-box retailers. The initiative to completely do away with formula businesses like Wal-Mart and Target is an effort in vain. These retailers are monumental; Wal-Mart currently has over 500 million square feet of space in the United States, and would not be that way without the consumers that frequent them. (See Figure 7) A more realistic approach is to “redirect their inherent and... ultimately irresistible power in more constructive ways.”<sup>63</sup>

As mentioned previously, Americans have a love-hate relationship with big-box retailers. Although consumers appreciate the bargains and convenience that stores like Target provide, the reality of their effect on community character and sprawl leave some shoppers with a pang of guilt each time they reach the checkout line. We cannot blame consumers for giving in to low prices and convenience. Wal-Mart “has not become the world’s largest retailer by putting a gun to our heads and forcing us to shop there.”<sup>64</sup>

Generally speaking, citizens can be put into one of three categories when it comes to their attitude towards these formula businesses. First, and clearly in

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63 Dwight H. Merriam, “Breaking Big Boxes: Learning from the Horse Whisperers,” *Vermont Journal of Environmental Law* 6, no. 3 (2005), 7.

64 *ibid.*, 8.



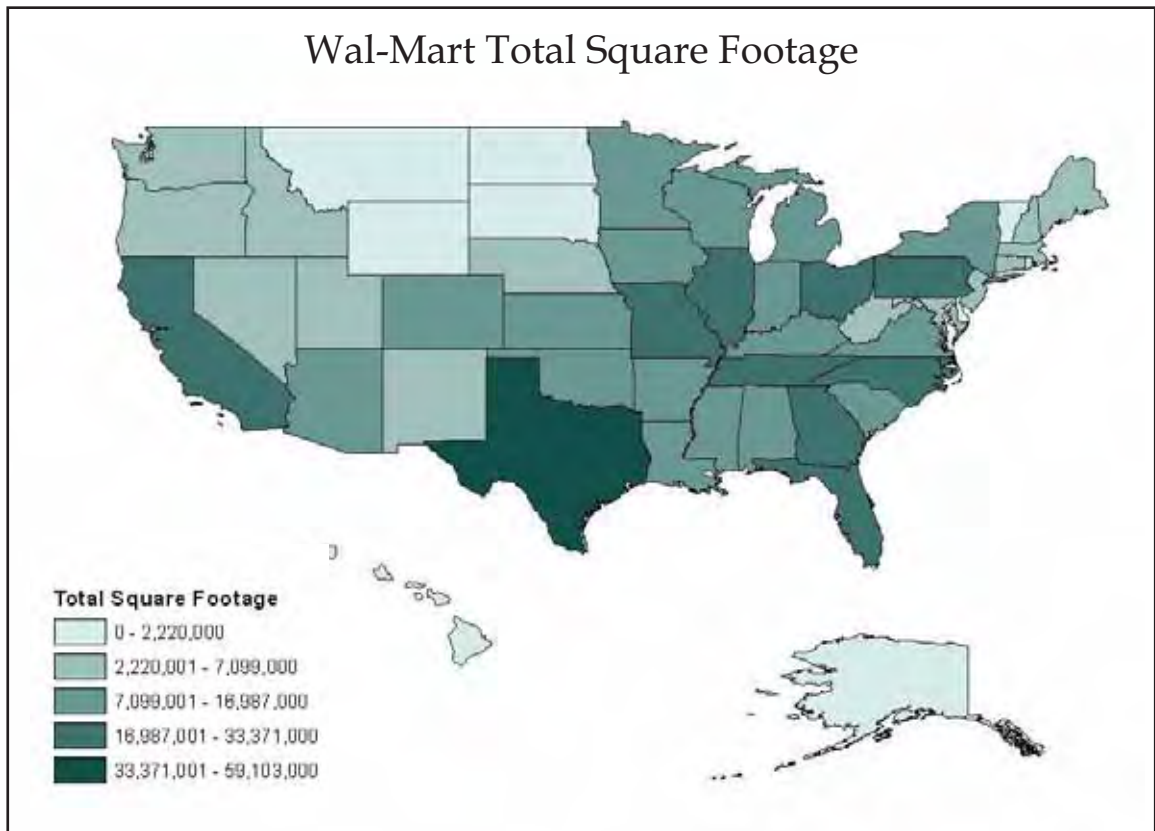


Figure 7: Wal-Mart Square Footage by State

(Source Note: Square Footage of Wal-Mart Stores listed on <http://www.walmartstores.com/FactsNews/StateByState/> as of April 2008)

the minority, is the group that consistently refuses to shop at big-box stores. They are the first to contest developments, and lead citizen groups whose main purpose is to block large-scale retail development one community at a time. While this is a very noble cause, the reality remains that there is a demand for these stores and it would be an impossible feat to get all consumers to stop shopping at these stores.

Then we have what is most likely the majority, the Americans who are caught in an ethical dilemma. They recognize the social, financial and environmental effects these stores leave on their community but this understanding is overshadowed by the stores' bargains and convenience. The dichotomy between their understanding of the situation and their actions is often a case of the inherent belief that only one person cannot change the current state of affairs.

Finally, there are those whose patronage is solely based on economics. The sobering reality is that there is a growing gap between the classes in America and a large part of our society relies on the low prices of discount retailers for day to day necessities such as clothing, toiletries and food. If they can provide for their families and make their money go farther by shopping at Wal-Mart they will do so, regardless of any controversy surrounding the company or format. This is an important reality and should not be overlooked.

These latter two groups make up the majority of Americans, the ones that “feed these [big-box] formats and cause them to grow to sumo-like proportions.”<sup>65</sup> Consider that on Black Friday (the Friday following Thanksgiving that is traditionally the busiest shopping day of the year) in 2003, as a result of purchases made by Americans, Wal-Mart sales exceeded “an entire year’s Gross Domestic Product in at least thirty-six countries.” In that one day, Wal-Mart’s sales of \$1.43 billion exceeded the GDP of among others, Sierra Leone, Belize, and Tajikistan.<sup>66</sup>

Clearly there is a market and a demand for discount retailers. Americans, regardless of income, race, or ethnicity shop at big-box retailers. “Wal-Mart, the store many people love to hate, is simply without equal.”<sup>67</sup> This fact is often overlooked in the fight against big-boxes. In reality, while idealistic, the “not-in-my-backyard’ approach to handling formula businesses is improbable and is taken on with no regard for the constituents of our society that depend on these retailers.

While some citizen groups across the country have been successful in keeping stores out of their community, a Wal-Mart denied in one community will just find a home elsewhere. So, consider not a “binary system of ‘either-

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65 *ibid.*, 8.

66 *ibid.*, 9.

67 *ibid.*, 9.

or''<sup>68</sup>, but rather how to negotiate with these retailers to find a middle ground.<sup>69</sup>

In handling large-scale retail development moving forward we must consider reuse as an amenable middle ground for all parties.

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68 *ibid.*, 12.

69 *ibid.*, 12.

### **Chapter 3**

#### **The Retail Challenges of Adaptive Reuse**

While it is easy to blame retail corporations for the creation and propagation of their big-box stores, what we must realize is that the associated widespread negative effects these developments have on communities and the environment were not intentional. The development of this retail formula was not based on a desire to ravage farmland, create architecturally uninspired buildings, kill historic downtowns or harm the environment. As is the case with any other business decision, the bottom line is profit.

It has been said that ‘retail follows rooftops’ or more accurately, according to Mark Lohbauer of Community Insights, retail follows people. Consider the early American general stores that were located along highly traveled coach and mail routes, or how the expansion of the national rail system led to retail outlets near passenger stations. The same trend can be seen in the evolution of big-box stores.

The development of value retailers and their signature buildings that adorn our landscape was not an accident, but rather an evolutionary response to Euclidean zoning, our increased dependency on automobiles, the materialization of the Interstate Highway System, and social development patterns fine-tuned by meticulous research and analysis. The formula that consumers have come to know as a big-box store is the synthesis of location analysis, low overhead and ultimately low risk. As a result, to assume a retailer will freely alter this formula

to fit an existing location would be similar to assuming one could suddenly fit into clothes that are two sizes too small- while a possibility, it will require time, physical adjustments and possibly even a little convincing.

## **I. Automobile Dependency**

“If critics of sprawl agree on anything, it is on the identity of the factor most inseparably linked with the origin, subsequent spread and current explosion of sprawl: the automobile.”<sup>70</sup> Given that big-boxes are an identifying characteristic of sprawl, it stands to reason that these retailers base a large part of their formula on the auto-borne consumer. To that point, *Better Models for Superstores: Alternatives to Big-Box Sprawl* lists “proximity to a major highway and acres of asphalt for surface parking”<sup>71</sup> as two of the seven components superstores use to determine the ideal location for new store construction.

“Sprawl and the auto enjoy a truly symbiotic relationship: auto dominance in urban travel encourages low-density sprawl, and the growth of sprawl, in turn, virtually ensures that the automobile will remain the only form of transportation that ‘works’ in a sprawl-type setting.”<sup>72</sup>

Taking cues from our dependence on cars, big-box retailers want to provide plenty of parking. After all, if you can’t park your car there, how will

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70 Dwight Young and others, *Alternatives to Sprawl* (Cambridge, MA.: Lincoln Institute of Land Policy, 1995), 6.

71 Beaumont, *Better Models for Superstores: Alternatives to Big-Box Sprawl*, 11.

72 Young and others, *Alternatives to Sprawl*, 6.

you get all your purchases home? Making stores auto-reliant means empty cars will fill up the lot and be full of purchases when they leave.

The standard big-box parking lot contains “between 5 and 7 parking spaces for every 1000 square feet of retail space”<sup>73</sup>. As an illustration, consider a Wal-Mart Superstore that measures, on average, 180,000 square feet: with six spaces for each square foot, the result totals 1080 parking spots, or about twelve acres.<sup>74</sup> To put that in perspective, a football field is about one acre. However, these vast parking lots “stand unused much of the year because [they] are designed for the busy Christmas season.”<sup>75</sup> According to Donald Shoup, a Professor of Urban Planning at the University of California, Los Angeles “most requirements for parking are based on serving the needs of the 20th busiest hour of the year which leaves spaces vacant more than 99 percent of the time that a shopping center is open for business, and leaves at least half of the spaces vacant at least 40 percent of the time.”<sup>76</sup>

The Institute of Transportation Engineers’ *Transportation Planning Handbook* “suggests that local surveys are the most important tools for

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73 Beaumont, *Better Models for Superstores: Alternatives to Big-Box Sprawl*, 33.

74 Mitchell, *Big-Box Swindle: The True Cost of Mega-Retailers and the Fight for America's Independent Businesses*, 118.

75 Beaumont, *Better Models for Superstores: Alternatives to Big-Box Sprawl*, 33.

76 Paul Zykovsky, “Building Livable Communities with Transit,”

[http://www.lgc.org/freepub/land\\_use/articles/buildcomm/page02.html](http://www.lgc.org/freepub/land_use/articles/buildcomm/page02.html) (accessed 3/27/2008).

determining actual parking needs [although] these surveys rarely get done.”<sup>77</sup> Rather, communities tend to stick to the ratio of 5 to 7 spaces for 1000 square feet. According to Richard Wilson, AICP, and Chair of the Department of Urban and Regional Planning at California State Polytechnic University, “that ratio has ‘taken on mythic qualities.’”<sup>78</sup> So much so that it has been stated that “many private lenders will not finance projects that deviate from this parking formula.”<sup>79</sup>

These immense parking requirements are visually translated into the vast acres of concrete characteristically located in the foreground of a big-box. It is believed that national retailers place this parking in the front of the store so that potential shoppers know that there is adequate parking, equally assuming that if the parking is subterranean or constructed vertically and disguised to blend in with its surroundings, consumers may assume there is no place to park and thus choose not to shop there. It seems as though shoppers are even more concerned with the proximity of their potential parking space to the store. According to John Chapman of Chapman Consulting “The spaces right up front are psychologically important”<sup>80</sup>.

“Stores benefit when shoppers know that, at least in theory, they could park right along the sidewalk, even if that hope is rarely realized. While only a small percentage of spots can be right in

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77 Lisa Wormser, “Don’t Even Think of Parking Here,” *Planning* 63, no. 6 (Chicago, IL.: June 1997), 10.

78 *ibid*, 11.

79 Beaumont, *Better Models for Superstores: Alternatives to Big-Box Sprawl*, 33.

80 Claudia Strage Castaybert, “They Paved Paradise,” *Retail Traffic* 33, no. 5, May 2004, 112.



front of stores, developers do all they can to keep the distance between the customer's car and the stores as short as possible."<sup>81</sup>

Furthermore, the option to build subterranean or vertical parking is fundamentally cost prohibitive, especially in dense locations like downtowns. "While the average surface parking spot costs about \$1,000 to build, a spot on a deck or free-standing structure will cost eight times as much, and digging underground will cost 15 times as much."<sup>82</sup>

Providing quick and easy access is another consideration of the auto-dependent variable of the formula. Typically sited near the exit of a major highway, this specifically chosen location provides consumers with easy on/off access and an unobstructed view of the store from the highway. "Poor visibility of a site is related to accessibility: a site that is difficult to see is also difficult to enter."<sup>83</sup>

Retail's dependence on automobiles is exemplified in real estate documents produced defining CVS' prototypical store site. An introductory brochure<sup>84</sup> published by CVS' Real Estate Department lists six criteria through which the company identifies and evaluates an ideal location, four of which directly relate to our auto-dependency:

- "Highly visible with pylon sign identity

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<sup>81</sup> *ibid.*, 112.

<sup>82</sup> *ibid.*, 110.

<sup>83</sup> Jack Friedman, Waldo Born and Arthur Wright, "Freestanding Retail Development," *The Journal of Retail Estate Development* 42, no. 2 (Fall 1988), 35.

<sup>84</sup> CVS Real Estate Department, *6200+ Locations and Growing Strong*. (Woonsocket, R.I.: CVS, 2006). Brochure is included in its entirety as Appendix 1.

- Easy access with electronic traffic control
- High traffic intersections
- Free standing sites with drive-thru pharmacy capability
- Parking for 70 – 80 cars
- Sufficient population in the trade area.”<sup>85</sup>

This document, which is presumably a developer’s first look into CVS’ priorities for a potential site, also makes mention of the preference for a freestanding prototype, as well as its ideal store size and lot size, but it is clear that their primary objective is a store which can accommodate auto-borne consumers.

These priorities are supported by a conceptual site plan provided by CVS to further detail the components necessary to their ideal location. (See Image 1) The plan shows a site with 78 parking spots, or one per 165 square feet. This number is directly in line with the standard for big-box stores of 5-7 spaces for every 1000 square feet of retail space. Furthermore, much attention is paid to the ease of traffic flow around the building and traffic patterns around the site.

This internal planning document goes on to note that “parking between [the] building and main road must be double loaded with approximately 25 spaces.”<sup>86</sup> This provision is most likely intended to ensure that potential customers see an abundance of parking, making their trip easy. Other notes of interest regarding traffic flow are the requirements of “no-entry signs (typically two) to prevent car traffic from traveling clockwise around the building”<sup>87</sup> and

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<sup>85</sup> *ibid.*

<sup>86</sup> CVS Real Estate Department, *CVS Conceptual Site Plan* (Woonsocket, RI: CVS).

<sup>87</sup> *ibid.*



the CVS requirement that the drive-aisle between parking spaces be a minimum of 24 feet.<sup>88</sup>

CVS also requires that information be provided regarding traffic patterns surrounding the site. The developer must note all types of traffic signals and if 'U' turns can legally be made at the major intersection. They are also required to "coordinate with CVS real estate representative for "vehicles-per-day" traffic information."<sup>89</sup> CVS also requires the store entrance to face the major intersection and prefers the pylon sign<sup>90</sup> to also face the same intersection.

Our auto-dependence has served as a crucial variable in the big-box formula. Evolving from an increased commute between work and home, inexpensive land, and a time deprived society, the public's and big-box retailer's interdependence on automobiles has significantly contributed to the eventual development of America's love-hate relationship with these large-scale retailers. We can assert that these retailers developed a formula that responded to American dependence on cars while ensuring them the greatest potential for profit.

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<sup>88</sup> *ibid.*

<sup>89</sup> *ibid.*

<sup>90</sup> According to Devens Enterprise Commission, a regulatory and permit-granting authority located in Devens, Massachusetts, a pylon sign is a freestanding sign that is supported by uprights, braces, columns, poles, or other vertical members which are not attached to a building and where the bottom edge of the sign is located above the finished grade at the base of the sign. <http://devensec.com/rules-regs/decregs602.html>

## II. Design

Much about the specifics of big-box design and layout is unknown, as their design formulas are a closely guarded industry secret. However, it is safe to say that there is a certain physical prototype common to a big-box store, so much so that this category of retailing has been named after its prototypical appearance. As the name implies, big-box stores are large rectangular structures of a minimalist nature with minimal architectural detailing and fenestration, and with only a monumental branded sign adorning the facade. Additionally, these structures are, by industry standard, one level. These characteristics have come to define a big-box store, making them easily identifiable, ensuring consumers know where they are shopping and what they can expect when they enter.

As stated in Chapter 1, it is believed that the physical appearance of these stores has been spawned from the design of an industrial warehouse.<sup>91</sup> It is this design that may infer to the shopper that there are deep discount prices inside. “A ‘no-frills,’ unadorned style of architecture sends a message to consumers that the products sold in the store will be inexpensive.”<sup>92</sup> Often built with concrete masonry exterior walls and steel trusses, corporations keep store design and construction materials simple to exemplify the warehouse model. Even more, the simple architecture is the visual representation of the real savings that come as a result of purchasing, distribution, and inventorying innovations. By

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91 Ferrick Jr., *“The Big Box Boom in Retailing”*.

92 Beaumont, *Better Models for Superstores: Alternatives to Big-Box Sprawl*, 33.

spending less on their appearance, product costs are kept down, passing savings onto the customer and ultimately resulting in a larger profit for corporation.

Along the same line, the large footprint of big-box retailers bluntly conveys the sheer volume of merchandise offered inside. It stands to reason that the larger the footprint, the more extensive the store's product offering. Consumers have become accustomed to the wide selection of goods available these large retailers provide as it affords a level of convenience to the shopper. It is much easier to go to one store to get milk, socks and car oil rather than three different ones.

Since 1962 and the opening of Meijer Thrifty Acres, in Grand Rapids, Michigan, reputedly the first big-box store, retailers have maintained an attitude of "we have always done it this way."<sup>93</sup> However, in December of 2004, then Senior Real Estate Manager for Wal-Mart, Robert Stoker went on record saying "[w]e've reached a stage where we can be flexible. We no longer have to build a gray-blue battleship box."<sup>94</sup> While the gray-blue battleship is still the overwhelming standard, there are signs of change, including a smaller Wal-Mart format, the Wal-Mart Neighborhood Market. Although not yet widely

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<sup>93</sup> *ibid.*, 33.

<sup>94</sup> David Goldberg, "The Incredible Shrinking Box- Retailers Shape Stores to Fit Urban Settings," <http://www.mlui.org/print.asp?fileid=16919> (accessed 4/3/2008).

implemented, this willingness to bend its rigid design formula is as though “the pope had changed the words in the Lord’s prayer.”<sup>95</sup>

While they present a unique set of complications, retailers are slowly beginning to see the necessity of multi-level stores. They have a smaller footprint allowing them to fit easily into urban locations, but often come with a higher price tag in comparison to the construction of a single-story prototype.

“The multi-level stores required in these [urban] markets are expensive to build and operate. ‘You can’t go multi-level without a high real estate value and high-volume traffic projections,’ says Jeff Nichols, Real Estate Manager for Home Depot.”<sup>96</sup>

Multi-level stores require architectural and design (read: financial) considerations not needed with a single story building. For instance, how will customers move between floors with their large purchase? How much will it cost to reinforcing upper floors to support large amounts of merchandise and even in some cases, forklifts?<sup>97</sup> Technical solutions to these challenges are not difficult to find; rather it is the cost and the loss of valuable selling space that is a deterrent to retailers.

Equipment such as the Vermaport allows shoppers to insert their cart into a cart conveyor system while the customer travels on an adjacent escalator. “Upon arrival at the next level, the customer retrieves the cart and is thereby able

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<sup>95</sup> *ibid.*

<sup>96</sup> Barbara Nadel, "Big Box in the Big City," *Shopping Center World* 31, no. 12, December 2002, 27.

<sup>97</sup> Brannon Boswell and Alex McGrath, "Big-Box Comes to the Big Apple," *National Real Estate Investor* 45, no. 6, June 2003, 16.

to navigate the entire store, floor-to-floor, without any interruption of their shopping experience.”<sup>98</sup> Similarly, customized elevators can be utilized as an effective way to move customers and their goods between floors. (See the example of Target in Pasadena in Chapter 4.)

Still, according to these retailers, one of the biggest issues is customers comfort level with the standard layout.<sup>99</sup> They expect to find Dr. Scholl’s Massaging Gel Insoles in the same spot in the Wal-Mart in Albany, NY as they would in their hometown Wal-Mart. “The biggest complaint the retailer gets in such conversions is from the customers who are used to finding a particular item in one spot and cannot find it in the new place in the new store.”<sup>100</sup> So, when the floor plan changes, as it does in reuse projects, it creates “serious problems for the retailer.”<sup>101</sup> Ed McMahon of the Urban Land Institute counters by simply saying “[w]ould you forget where to go to get your prescriptions if you went into a CVS in a reused building?”

Though not widely employed, retailers are demonstrating their willingness and ability to adapt to multi-level stores. In the future, as space becomes more of a commodity, retailers will be prepared to handle verticality proactively rather than reactively. According to Francisco Behr, President of Behr Browsers Architects Inc., “It’s always been one step at a time to convince

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98 "Darrott Inc," *Display & Design Ideas* 17, no. 4, April 2005, 66.

<http://search.ebscohost.com/login.aspx?direct=true&db=keh&AN=16668226&site=ehost-live>.

99 Merriam, “Breaking Big Boxes: Learning from the Horse Whisperers,” 18.

100 *ibid.*, 18.

101 *ibid.*, 18.



these guys. They have strong research material that backs up what they say works and they are resistant to changing any of that."<sup>102</sup>

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<sup>102</sup> Andy Fixmer, "Big Boxes Building Up as Squeeze for Space Hits Retail," *San Diego Business Journal* 25, no. 20, May 17, 2004, 22-23.

## Chapter 4

### Setting Precedent: CVS and Target

A drive through any area affected by sprawl will demonstrate why there are few examples of reuse among big-box retailers. Large scale retailers are known to be very particular about not only the siting of their stores but the physical requirements of the space required to successfully display and sell their products. Merchandising professionals have floor plans, lighting, and product placement down to a science, and each of these factors serves as a determinant in a profitable equation. When presented with a choice between using their proven lucrative equation with its standardized custom-made building, or to alter the equation as necessary to fit into a pre-existing structure, the choice is quite obvious, and even seems reasonable. These formulas are closely held corporate secrets because they work, and work well. If taken at face value can anyone really question a company's desire to continue to implement their fine-tuned blueprint rather than deviate? On paper, the formula has proven financially viable and for the corporations that is the bottom line. They aren't considering the character of a downtown, or the effects of sprawl on a community. It is only when they are met with well organized and prepared communities are they faced with the possibility of changing their repetitive formulas.

It is safe to say that it has never been a big-box retailer's first choice to develop a pre-existing structure. In existing cases of reuse, driving factors such

as competitor presence, land-use regulations and proven consumer demand have all functioned together to ensure success to the retailer. Unfortunately most communities do not have zoning laws in effect that would cause retailers to consider adaptive reuse, resulting in a small sampling of examples. The most numerous of these early examples are those of smaller businesses, such as chain drugstores which, although with much convincing and community pressure, have adapted their repetitive formulas to enable reuse of existing buildings.

### **I. Chestnut Street CVS- Philadelphia, Pennsylvania**

Chain drug stores such as CVS, while still preferring to be in a corporate-defined prototypical structure, have successfully adapted their 'ideal' plans to fit an existing building. Headquartered in Rhode Island, CVS is the nation's largest retail pharmacy chain,<sup>103</sup> with 6300 stores and a total of 71.7 million square feet of total space both owned and leased.<sup>104</sup> While CVS has not made adaptive reuse a regular practice, they have multiple stores in urban markets that have been adapted to fit into existing structures. In cities such as New York, Philadelphia and Washington D.C., CVS has modified its retail layout to fit two story spaces, a locally designated building and even an old movie theater respectively. Furthermore, they have adapted a handful of old supermarkets in New York, New Jersey, Maryland and Washington D.C.

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103 CVS, "CVS/pharmacy- Press Room- Company Info," <http://phx.corporate-ir.net/phoenix.zhtml?c=183405&p=irol-overview> (accessed 2/28/2008).

104 Sue Lanois, Phone Conversation, January 31, 2008.

The Jacob Reed's Sons building in Philadelphia was built in 1903 and served as a men's clothier until 1980. (See Image 2) Located at 1424 Chestnut Street, the building is not only listed on the Philadelphia Register of Historic Places but is also a part of the Broad Street National Register Historic District and "subject to the Center City Commercial Controls, a set of zoning regulations requiring that discount drugstores...and the like apply for a certificate of use"<sup>105</sup> which automatically triggers a public hearing.

Designed by William Price, a Philadelphia architect, the Jacob Reed's store is an example of one of the first commercial uses of reinforced concrete in the Philadelphia. Commissioned by men's clothier Jacob Reed, the building was inspired by urban palaces of northern Italy, as demonstrated by the top floor loggia and red tile roof.<sup>106</sup> (See Image 3) But it is the "dark brown brick set in thick mortar and handmade Mercer tiles under the eaves and soffit, which depict crafts related to the garment industry,"<sup>107</sup> that speak to Price's interest in the Arts and Crafts movement. (See Image 4) The building is one of the best preserved examples of the Arts and Crafts movement in Center City Philadelphia.

In 1983 when the building was placed up for auction by a federal bankruptcy judge in New York City, it seemed that the emerging community consternation was not about saving the building or losing the building but rather

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105 Anne Stillman and National Trust for Historic Preservation in the United States, *Better Models for Chain Drugstores* (Washington, D.C.: National Trust for Historic Preservation, 1999), 7.

106 21 Foundation for Architecture, *Philadelphia Architecture: A Guide to the City* (Cambridge, MA.: MIT Press, 1984), 85.

107 *ibid.*, 85.



Image 2: Jacob Reed's Sons 1904

(Courtesy of William L. Price, Arts and Crafts to Modern Design by George Thomas)



Image 3: Detail of Upper Loggia 1904

(Courtesy of William L. Price, Arts and Crafts to Modern Design by George Thomas)

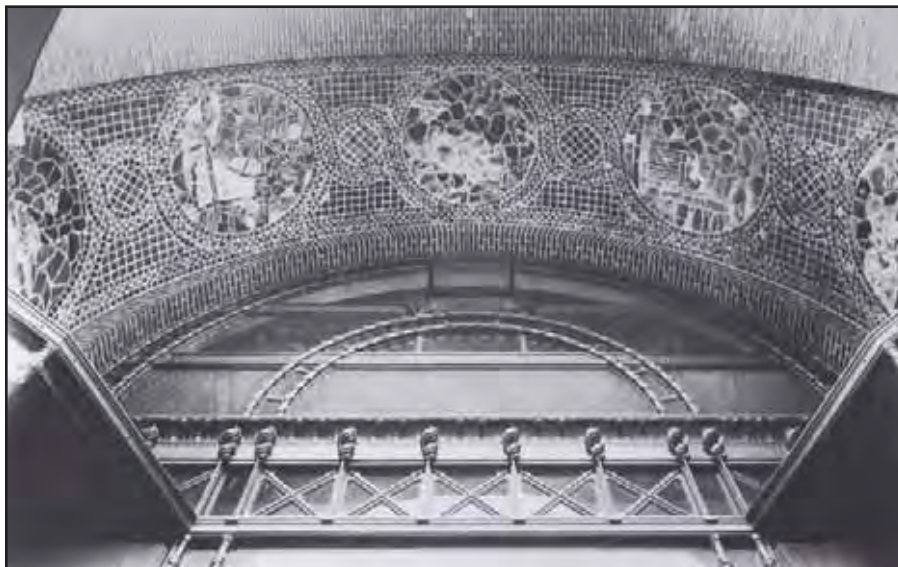


Image 4: Mercer tiles of garment industry crafts 1904

(Courtesy of William L. Price, Arts and Crafts to Modern Design by George Thomas)



its potential use. At the time, city officials and the community at large had been concerned about the proliferation of service-oriented stores on Chestnut Street and felt that introducing a Rite-Aid, despite any protections that might emerge from the requirements of the Philadelphia Historical Commission, would only add to the problem and ultimately be an unsuitable use for the historic shell.

Nevertheless, as a result of the auction, Rite Aid bid \$420,000 and won the remaining 10 years of the Jacob Reed's lease. After the auction, Martin Grass, Rite Aid's Vice President for Planning and Economic Development went on record saying that Rite Aid understood the historical nature of the building. "We plan on doing the same as anybody else would. We're planning on preserving the storefront with a slight alteration to the doors and to the interior" adding that they would not take away from the architectural character of the interior by installing fluorescent lighting or a drop ceiling as standard in its other stores.<sup>108</sup>

However, this purchase was met with community uproar - so much so that in a 1983 article in *The Philadelphia Inquirer*, Thomas Hine, the paper's architecture critic, said "there is no way that the character of this important building can be preserved in a use such as the one Rite Aid proposes. And even if it could, such a cosmetic approach would only mask the real problem, which involves the uses of the buildings as well as their design."<sup>109</sup>

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108 Jane Schaffer, "Rite-Aid Grows, with Controversy," *Philadelphia Inquirer*, June 1, 1983.

109 Thomas Hine, "Unsuitable? - Jacob Reed's Faces a Dubious Reincarnation," *Philadelphia Inquirer*, May 15, 1983.

In late 1983, after intense community pressure, “Rite Aid sold its right to lease the building for nine years to a straw corporation, 1424 Chestnut Street Corp.”<sup>110</sup> Eventually Rouse & Associates purchased the building for \$2.3 million with the intentions of placing another men's store in the space.<sup>111</sup> This purchase placated the community and seemed to ensure the building’s “acceptable use”. However, since the purchase, the space served for a time as a Barnes and Noble and currently is a CVS.

The restrictions placed on the Reed Son’s building by the Philadelphia Historical Commission, the Art Commission and the City Planning Commission, while exacting, were not enough to deter CVS from moving into the space. Even when faced with hurdles including interactions with the Philadelphia Historical Commission and The Center City Residents Association, CVS managed to effectively occupy the space while maintaining the building’s architectural character.<sup>112</sup>

Since the building is listed on the Philadelphia Register of Historical Places, CVS needed to present any additions or changes to the structure to the Historical Commission for approval. The purpose of the Commission is to preserve the city’s heritage through various means including regulating the appearance of cultural resources through its role in the City's building permit

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110 Ray Holton, “Jacob Reed's Historic Building Sold,” *Philadelphia Inquirer*, October 4, 1983.

111 *ibid.*

112 Stillman and National Trust for Historic Preservation in the United States, *Better Models for Chain Drugstores*, 7.



process.<sup>113</sup> In the case of CVS, the external signage for the store seemed to be the most debated matter. Notes from a 1995 meeting of the Historical Commission's Architectural Committee describe CVS' proposal to obtain a permit for a canvas banner that would project from the façade of the building. And although several areas of the zoning code do not allow for projecting signage in this location it is because of the "vacancy rate on this block that CVS could use the visibility" thus moving the approval for the signage to the Art Commission.<sup>114</sup> After further design development, the architects for CVS submitted drawings for a complete signage program of which the Historical Commission approved two parts: the CVS logo on a transom bar over the door, and two bronze tablets on both sides of the front elevation. (See Images 5 and 6) The additional components of the signage plan, the aforementioned banners and a stylized mortar and pestle to hang from the entry arch (See Images 7 and 8) were approved "in concept" but were "subject to further design development and final approval by the commission."<sup>115</sup> In the end, along with the transom sign and the two bronze plaques, CVS was allowed to install a backlit sign in the front right window and a CVS 'flag' placed symmetrically with a United States Flag. (See Image 9)

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113 Philadelphia Historical Commission, "Welcome," <http://www.phila.gov/historical/> (accessed 3/11/2008).

114 Philadelphia Historical Commission- Architectural Committee, *Notes from Architectural Committee Meeting*, September 26, 1995.

115 *ibid.*



Image 5: CVS Transom Sign

(Photo Credit: Sara McLaughlin)



Image 6: CVS Bronze Plaque

(Photo Credit: Sara McLaughlin)

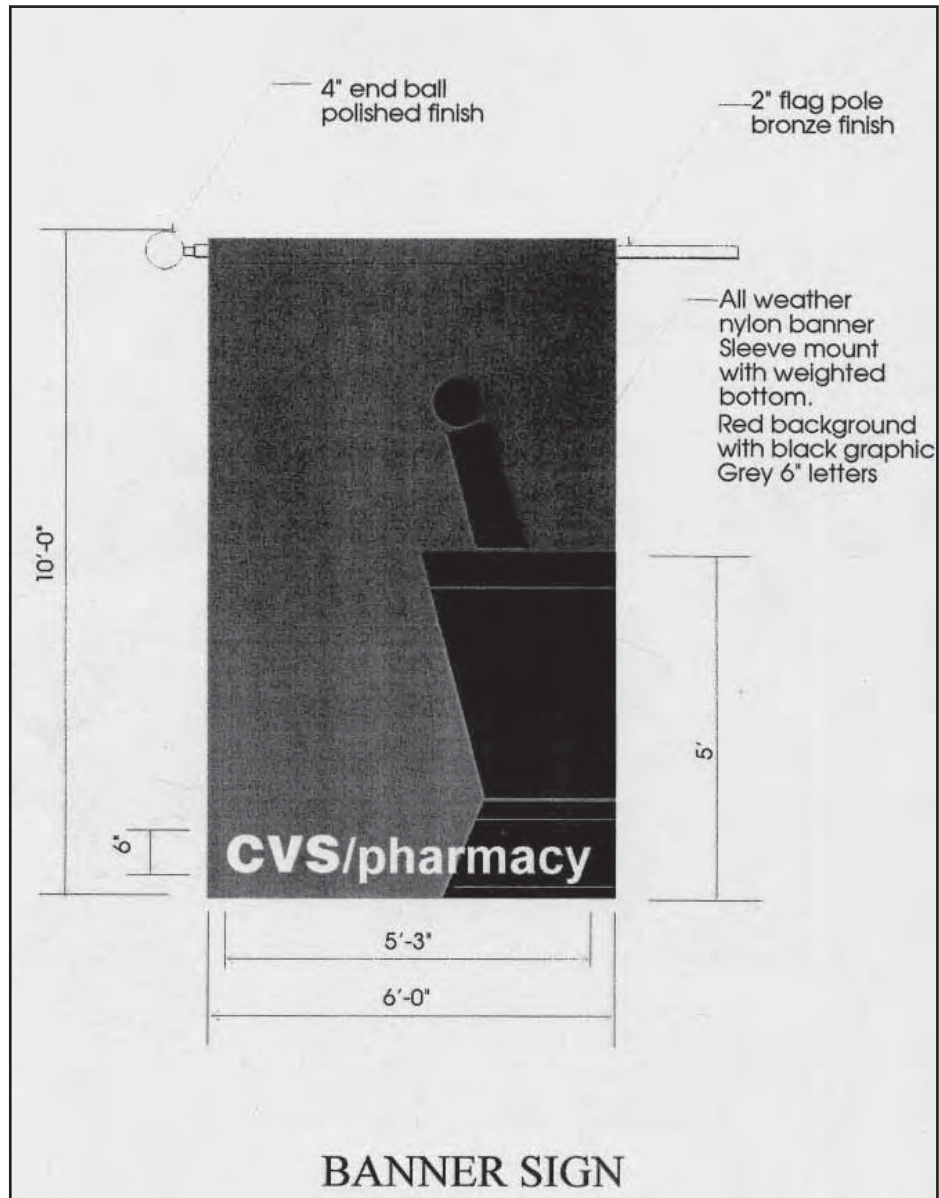


Image 7: Proposed CVS Banner

(Courtesy of the Philadelphia Historical Commission)

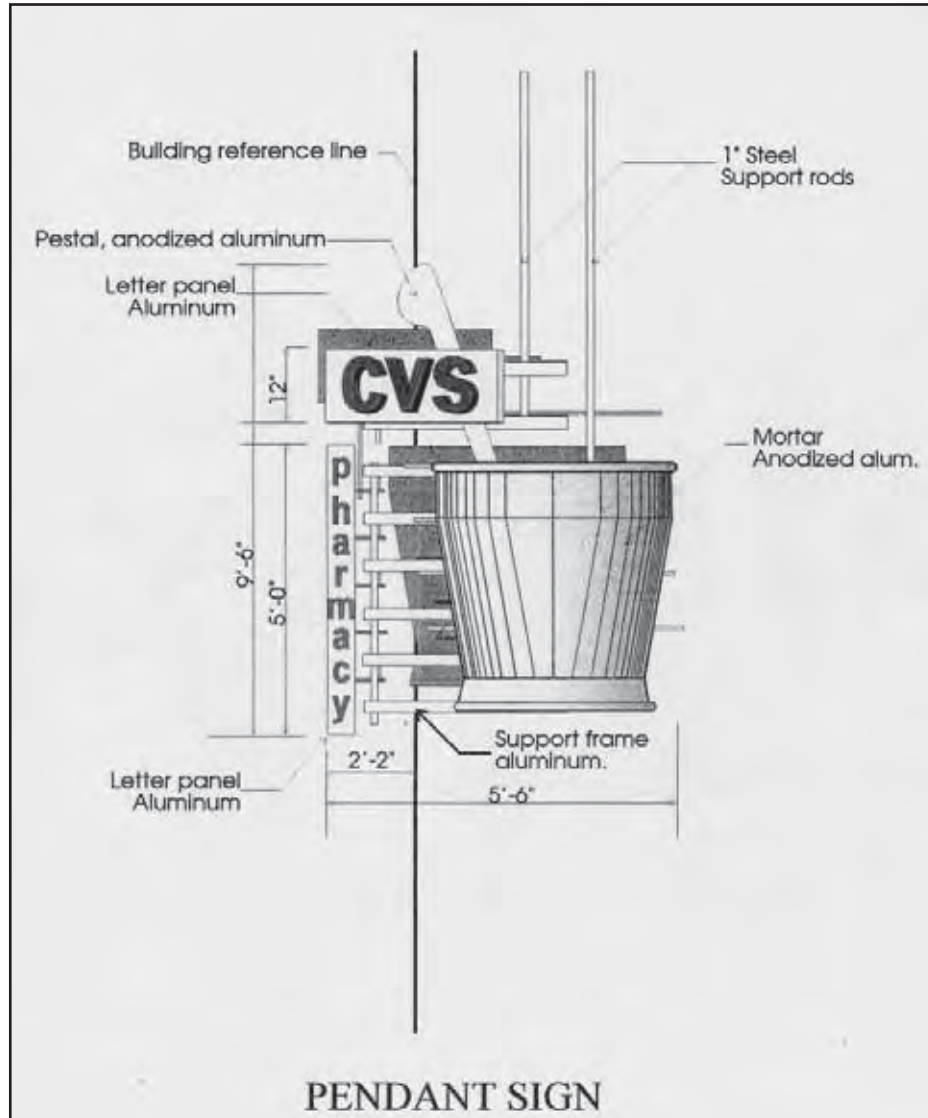


Image 8: Proposed CVS Mortar and Pestle Pendant Sign

(Courtesy of the Philadelphia Historical Commission)

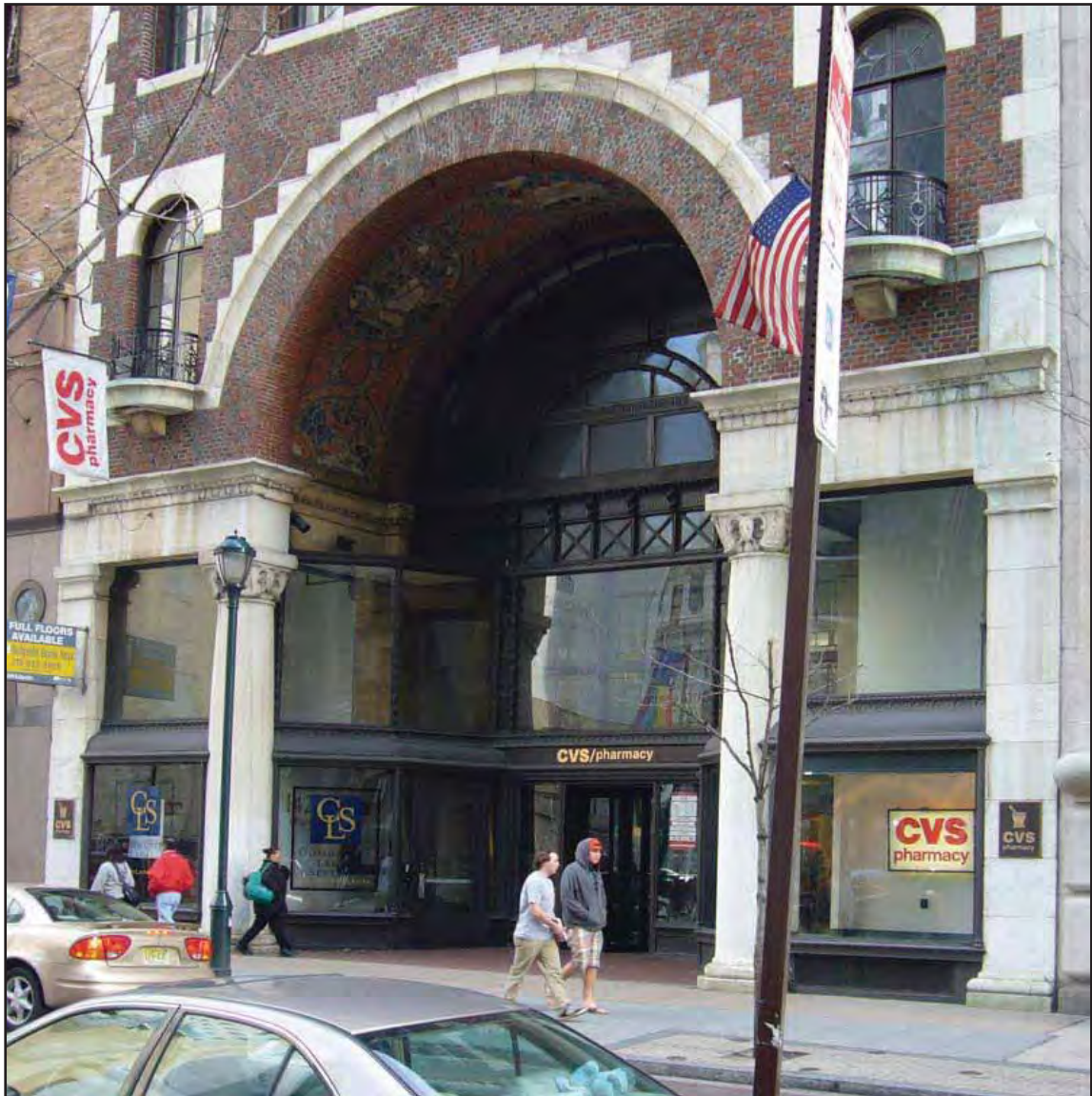


Image 9: Current CVS Signage plan

(Photo Credit: Sara McLaughlin)



In 2005, CVS again tried to obtain approval for additional signage to be placed atop the right-most column of the building. Again, the Historical Commission denied CVS' request:

"Denial of the proposed sign pursuant to Standard 9 [New additions, exterior alterations, or new construction will not destroy historic materials, features and spatial relationships that characterize a property] and Standard 2 [The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.] The staff suggests that the applicant should look for an alternative location that does not compromise the symmetry of the design. One possible solution would be to hang the sign internally at the mezzanine level window."<sup>116</sup>

This is just one example of how CVS managed to work with existing regulations and restrictions to make an existing space work for their needs. Based on competitor presence, the company felt that the location was desirable and as a result agreed to adjust their prototypical store formula. While concessions and compromises were made, thirteen years later, it seems that this formula works as well.

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116 Philadelphia Historical Commission- Architectural Committee, *Report of Newly Proposed CVS Sign*.

## **II. Colorado Boulevard Target- Pasadena, California**

One of the few examples of a big-box retailer adapting an existing building is a multi-floor Target in Pasadena, California. Formerly a J.W. Robinson's department store located on Colorado Boulevard, Pasadena's main thoroughfare, the 164,000 square foot building was constructed in 1957 and occupies an entire city block. Designed by Pereira and Luckman, the building itself was never considered "high-style," but is an excellent example of the 1950s Postwar Modern-International style. Considered a local landmark, it is located within the historic Pasadena Playhouse District, an area that has managed to retain many of its original buildings from the 1920's and 1930's with a significant portion of the District placed on the National Register of Historic Places. (See Image 10)

In November of 1992, just months after J.W. Robinson's was closed, Pasadena City Manager Philip A. Hawkey heard that the Target Corporation might be persuaded to establish a presence in a downtown location. After the city of Pasadena reached out to Target, suggesting the J.W. Robinson store, the retailer subsequently contacted MCG Architects to evaluate the feasibility of renovating the space. Although a deviation from their standard formula, the building had proven success as a viable retail location most likely easing some of Target's concerns as they entered this uncharted territory. Less than a year later, in 1993, Target purchased Robinson's; "the location representing two major



Image 10: Map of Pasadena Playhouse District including Target

(Courtesy of The Playhouse District Association, <http://www.playhousedistrict.org/map.php>)



'firsts' for the Minnesota-based retailer: the first Target with more than one floor and the first Target in a downtown."<sup>117</sup> (See Image 11)

According to *Better Models for Superstores*, a publication of the National Trust for Historic Preservation, the formula by which superstores base construction of new stores includes seven components:

- "many acres of raw land,
- proximity to a major highway,
- a huge, one-level building (no upper floors)
- large signs advertising the store
- a clear line of sight from the highway to the store,
- acres of asphalt for surface parking, almost always in front,
- an inward-looking building with no windows and few, if any, architectural details."<sup>118</sup>

Target's purchase of the Robinson building meant that they would be departing from this formula and taking a huge financial risk by deviating from the standard blueprint. Conversely, should the store succeed, the new formula would demonstrate that Target, and ultimately other big-box retailers could feasibly enter urban locations and reach a previously untapped market.

Clearly, the project would not be as easy as building a new, standard formula store. For example, how would customers with shopping carts move easily between floors? The answer came in the form of a bank of elevators retrofitted to the center of the building. The 8'x14' elevators can hold four carts, and have glass sides so customers can view the entire store as they travel

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<sup>117</sup> Beaumont, *Better Models for Superstores: Alternatives to Big-Box Sprawl*, 11.

<sup>118</sup> *ibid.*, 11.



Image 11: Target of Pasadena

(Image courtesy of MCG Architects of Pasadena as reprinted in Better Models for Superstores)

between floors.<sup>119</sup> Additionally, shoppers are able to enter the elevators from one side and exit from the other removing the need to back out or turn the cart around. It is here that the city created an incentive for Target. A project incentive was created where “the ‘added’ costs of the elevators, as compared to conventional, one-story ‘big-box’ construction, were offset in a sales tax rebate agreement between the retailer and the city.”<sup>120</sup>

The existing windows and entrances presented another challenge for the corporation. The Robinson’s building had six entrances “one of which featured a large, 10’ x 50’ display window facing Colorado Boulevard.”<sup>121</sup> Initially, Target wanted to cover up two of the six entrances including the display window arguing that “display windows pose security problems and take up space needed for storage.”<sup>122</sup> Additionally, these retail outlets rarely have staff to merchandise the display windows. With a few exceptions, most big-box retailers, when building a new store, omit windows. This is by no means an accident but rather part of their formula. However, the city of Pasadena wanted to retain the windows, citing that “inviting displays for pedestrians to look at are crucial to downtown revitalization.”<sup>123</sup> Target was now faced with modifying their retail recipe once again, to conform to the requirement for exterior

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119 Richard Halverson, "Chains Convert Multifloor Sites: Discount Stores Buy and Remodel Former Department Store Sites," *Discount Store News* 32, no. 16 (1993).

120 City of Pasadena- Planning & Development Department, *Rehabilitation of J.W. Robinson's 1958 Pasadena Department Store*. Full article is included in its entirety as Appendix 2.

121 Beaumont, *Better Models for Superstores: Alternatives to Big-Box Sprawl*, 12.

122 *ibid.*, 12.

123 *ibid.*, 12.

windows. In the end, the corporation gave into the wishes of the city and chose to maintain three of the six entrances as well as the large display window. The solution was as simple as creating posters and photographs to hang in the window rather than creating a typical window display.

Brian Tiedge, MCG Architect's principal-in-charge of the project, said that this was one of the biggest challenges. "Working with the City of Pasadena as this structure was designated as a historic structure [made] it very difficult for Target to do anything of interest to the exterior of the building." However, Mr. Tiedge also realized the importance of the structure's historic appearance. He went on record saying, "[m]aintaining this landmark structure's historic appearance is one of our primary goals. We plan to preserve the existing colors, materials and architectural characteristics."<sup>124</sup>

Parking was another challenge for the store. While most stores in a downtown location are completely devoid of parking amenities, Target was lucky in that the building already contained a three-story parking garage. While the inclusion of this garage was most likely fundamental to the retailer's decision to reuse the Robinson store, a compromise was still involved. If Target was to stick to their standards for parking, this store would have required about 675 parking spots. ("[T]arget usually requires at least five parking spaces for every

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124 City of Pasadena- Planning & Development Department, "MCG Architects Design First Multi-Level Target Store," 1993. Full article is included in its entirety as Appendix 3.

1,000 square feet of retail space”<sup>125</sup> and this store is 135,000 square feet.<sup>126</sup>) So while, the Robinson garage had only 598 spaces Target decided this slightly smaller than ideal garage sufficient.

Now in its 14<sup>th</sup> year, this unusual Target on Colorado Boulevard in Pasadena presumably remains financially viable and a favorite among shoppers. Customer reviews cite the store’s spaciousness, wide aisles, ample parking, and a wide selection of merchandise as reasons to shop. For Target, for just over \$10 million, “the challenge of retrofitting this building has proven to be highly successful- not only aesthetically, but from a commercial standpoint as well.”<sup>127</sup> Following this initial success, today, Target has “built or acquired 35 multilevel stores”<sup>128</sup> across the country.

Although examples like these are few and far between, they demonstrate that “retailers can recycle buildings, respect the environment, and make money when they choose to be creative and flexible.”<sup>129</sup>

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125 Beaumont, *Better Models for Superstores: Alternatives to Big-Box Sprawl*, 33.

126 Halverson, “Chains Convert Multifloor Sites: Discount Stores Buy and Remodel Former Department Store Sites,” 1993.

127 City of Pasadena- Planning & Development Department, *Design Challenge- Target's First Multi-Level Store*, 1994. Full article is included in its entirety as Appendix 4.

128 Robert Steuteville, “Target Stores Fitting into Urban Settings,” [http://www.amiba.net/pressroom/urban\\_target\\_10.05.html](http://www.amiba.net/pressroom/urban_target_10.05.html) (accessed 4/9/2008).

129 Beaumont, *Better Models for Superstores: Alternatives to Big-Box Sprawl*, 8.

## Chapter 5

### Recommendations for Adaptive Reuse Feasibility

Large-scale retailers serve a purpose and the existing market demand supports their presence. As demonstrated in Chapter 2, the mission to eliminate them is largely unrealistic. A mindset of ‘Not in my Back Yard’ or NIMBYism results in a deflection of the problem rather than a solution.

Moving forward, communities should be solution oriented. In order to do so, a community must provide itself with the necessary planning and regulatory tools so as to be prepared to handle these retailers. While it is improbable that a large scale retailer will approach a community with the intention of moving into an existing building, communities can better manage retail sprawl by directing development to areas deemed appropriate by the municipality. This level of preparedness will serve to benefit both the community and retailers by finding a symbiotic compromise based on size, location and community presence. While large-scale examples are rare, the precedents discussed in Chapter 4 have successfully demonstrated an emerging ability and willingness on the part of retailers to change their standard formula to fit atypical locations.

It is a common tactic for retailers to threaten taking their business to a neighboring community if they do not receive approval for their proposed, most likely, standard big-box design. This is seen as a real threat by community

leaders who believe that saying 'no' will result in losing anticipated jobs and tax revenues. However, Ed McMahon of the Urban Land Institute says,

“[t]he truth is, almost all national chain restaurants, drugstores, and discount retailers have Plan A, Plan B, and Plan C. If you accept Plan A, that is what you will get. On the other hand, if you ask these companies to address local architectural, historic preservation, or site-design concerns, they will usually do so.”<sup>130</sup>

Mr. McMahon goes on to say, “communities that uphold their standards in the face of the pressure to allow lowest- common-denominator development are the ‘who’s who’ of good places to live, work and invest.”<sup>131</sup>

According to Richard Moe, President of the National Trust for Historic Preservation, a prepared community can “encourage or discourage certain types of development. If a community doesn’t want superstore sprawl, it can take steps to prevent it.”<sup>132</sup> Ultimately, provided that municipalities are prepared, the reality is that they have the ability to mandate the type of presence a retailer has within their community.

## **I. Have an Up-to-Date Comprehensive Plan**

A crucial document for municipalities, a comprehensive plan “serves as the major land use planning document and guide for your community.”<sup>133</sup> Also

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130 Edward McMahon, “Have it Your Way,” *Public Management* 87, no. 5 (June 2005), 13.

131 *ibid*, 13.

132 Beaumont, *How Superstore Sprawl can Harm Communities: And what Citizens Can Do About It*, iii.

133 Wal-Mart Watch, “Battle-Mart: Comprehensive Plans,” [http://walmartwatch.com/battlemart/go/cat/comprehensive\\_plans](http://walmartwatch.com/battlemart/go/cat/comprehensive_plans) (accessed 4/4/2008).

known as a master plan, its purpose is to define a land use vision and provide guidance on the “community’s growth, development and preservation.”<sup>134</sup> Communities can use their comprehensive plan to define, among other things, “where new development will be encouraged, discouraged, or even prohibited, how certain areas will be zoned and what historic, scenic, or environmentally sensitive areas should be protected.”<sup>135</sup>

Because they can be the driving force behind development decisions, some states require comprehensive plans be updated regularly. Unfortunately, more common is the case where a municipality is working with an outdated plan, leaving community leaders to make directionless development decisions with only an ideal vision in their mind’s eye. It is not unusual for a plan to be twenty years old or older, pre-dating the boom of big-box retailers, and thereby leaving community leaders with no legislative guidance when they are faced with proposals for sprawling development. Such outdated plans leave communities exposed to and ill prepared for the threat of big-box retailers.

A carefully worded comprehensive plan is a community’s first line of defense in guiding retail development. Clearly written and defined plans can strongly signal a community’s intentions to retailers early in the development process. As they contain strong policy statements, they can be used by both

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134 Beaumont, *How Superstore Sprawl can Harm Communities: And what Citizens Can Do About It*, 22.

135 *ibid.*, 22.



community officials to drive decision making and citizens to ensure officials are acting with the municipality's comprehensive plan in mind. Additionally, in some jurisdictions, "the plan may provide political and legal protection for public officials being pressured to approve harmful rezonings."<sup>136</sup>

It is in the comprehensive plan that a community can detail its vision for new retail development. By defining retail centers and directing any new retail to these locations, big-box stores will need to look to these areas initially for development opportunities rather than defaulting to their standard practice of establishing a presence at the edge of town in sprawl locations. Communities should use their comprehensive plan to establish their desire to infill retail in existing unused properties in central business districts, warehouse districts or downtowns that require no new municipal services and lower the prospect for big-box blight in the future. This desire should be stated clearly so as to leave no room for misinterpretation, ensuring that proposals from large-scale retailers are handled with minimal contest.

While in some states comprehensive plans have force of law, more often they serve as advisory documents. However, regardless of the documents' actual legal strength, the "regulation of big-box development properly lies in the

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<sup>136</sup> *ibid.*, 23.

hands of the legislative bodies of the cities and counties..."<sup>137</sup> with police power serving as a basis for such regulation.<sup>138</sup> It is this power to regulate that communities need to take advantage of, and they can do so through a current comprehensive plan that specifically addresses large-scale retail development.

Skaneateles, NY is one municipality that has carefully crafted a comprehensive plan that speaks to its goal of protecting existing open space while allowing development in line with community needs. While the plan does not dictate a location for new development, it does speak to the town's desire to preserve open space:

"...this Comprehensive Plan must look ahead to a possible future in which much of the open space and farmland that the community values will come under pressure for development. For this reason, the Comprehensive Plan recommends a series of measures designed to protect the most important of these resources... Development of even small amounts of land that is highly scenic, prominent and loved by the community, prime farmland, and land that is ecologically sensitive, can have effects on the community's well-being and sense of place disproportionate to the mere acreage. This is another reason why protection of important resource lands is a priority of this Comprehensive Plan. Because of the phenomenon of suburban sprawl occurring even in areas experiencing little population change, this Comprehensive Plan must take affirmative measures to curtail the consumption of land for development, while still allowing development that is needed to meet community needs."<sup>139</sup>

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137 Daniel J. Curtin Jr., "Regulating Big Box Stores: The Proper use of the City Or County's Police Power and its Comprehensive Plan - California's Experience," *Vermont Journal of Environmental Law* 6, no. 3 (2005), 47.

138 *ibid.*, 47.

139 Hailey Planning Department, *Hailey, Idaho Comprehensive Plan*, 2005, 4.

Hailey, Idaho is another community that specifically addresses retail development in its comprehensive plan. While one of the seven policies defined under the 'Growth Management' section of the plan is to "Ensure adequate land area is available for non-residential growth,"<sup>140</sup> it is the methods through which they implement this policy that provide the real direction in managing development.

"Encourage the infill of existing Central Business District property with business and high density residential uses prior to expanding the business district... Expansion of commercial development adjacent to the highway, especially retail and industrial, whether in the County or within expanded city limits, should be generally avoided... [And] Maintain the established maximum size of retail and wholesale buildings in order to maintain community character."<sup>141</sup>

A last example is Vernon, Connecticut, a town whose comprehensive plan is specifically pertinent to the topic of reuse. Their plan, formally known as the Plan of Conservation & Development, "outlines as its goals: limits on retail sprawl development; an emphasis on building reuse as opposed to vacant land development..."<sup>142</sup> The mission of reuse is promoted through the plan's Policies, Goals and Objectives section.<sup>143</sup> Initially mentioned in the section concerning the town's Economic Base, the policy states:

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<sup>140</sup> *ibid.*, 4.

<sup>141</sup> *ibid.*, 4.

<sup>142</sup> Wal-Mart Watch, "Battle-Mart: Comprehensive Plans".

<sup>143</sup> Harrall-Michalowski Associates, Inc. in association with Milone & MacBroom, Inc., *Vernon Plan of Conservation & Development* (Vernon, Connecticut: 2001). This section of the Plan of Conservation & Development is included in its entirety as Appendix 5.

“The Town of Vernon should pursue a policy of diversity of its economic base in order to support the quality of life desired by its residents. Public input during the Plan of Conservation and Development update favored economic development, but not at the expense of the character of the community or at risk to the natural environment. A policy of quality development over quantity should be pursued with careful consideration of design as well as development sustainable by existing or reasonably improved infrastructure systems.”<sup>144</sup>

Consequently, one of the goals set forth under that policy is to “Encourage the Occupancy and Re-Use of Existing Structures.”<sup>145</sup> An objective to ultimately achieve this goal states: “Special mixed use regulations might be considered which provide for flexible density and parking requirements to encourage adaptive re-use of existing structures.”<sup>146</sup>

Reuse is then encouraged through the town’s Design Policies, Goals and Objectives. This policy states:

“The Town of Vernon has examined a wide range of design quality in its built environment. The public dialogue during the Plan of Conservation and Development update process often focused on the need to achieve a higher design quality in the future. Standards should achieve the desired goals...”<sup>147</sup>

A goal listed under this policy is to “Preserve the Special Character of Existing Neighborhoods.” One defined objective for reaching this goal is considering zoning incentives to “encourage the reuse of vacant structures and parcels within

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144 *ibid.*, 110.

145 *ibid.*, 112.

146 *ibid.*, 112.

147 *ibid.*, 112.

developed areas in order to support revitalization and reduce pressures for development in undeveloped areas of Town.”<sup>148</sup>

The Plan of Conservation and Development specifically pushes for reuse in discussing the current state of Route 83, one of two highway corridors that run through Vernon. The Route 83 corridor is primarily a commercial area, with residential presence limited to multi-family developments. “This has resulted in a situation where people perceive the area to be somewhat unattractive and incapable of handling current and future traffic volumes.”<sup>149</sup> This area deemed to be unattractive and somewhat of a planning challenge has been given a key development strategy in Vernon’s current plan:

“A key development strategy for the corridors, particularly the Route 83 corridor, which supports overall management is the effective re-use of vacant or underutilized buildings. Rather than constantly looking for development opportunities on vacant sites, the development community should be encouraged to invest in these properties. Consideration should be given to amending the zoning regulations to provide an incentive for such re-use.”<sup>150</sup>

The importance of an up-to-date comprehensive plan can not be overstated. While the zoning ordinance is the document through which a comprehensive plan is physically executed, the more specific the wording in a comprehensive plan, the less room for misinterpretation and contest. The example of Vernon, Connecticut’s Plan of Conservation and Development is an

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148 *ibid.*, 113.

149 *ibid.*, 122.

150 *ibid.*, 122.

excellent example of phrasing that expressly directs new retail development to existing vacant structures. Having this detailed wording makes it easier for officials to manage development, while making it more difficult for formula retailers to argue their way onto a community's vacant land. This approach is significantly strengthened when neighboring communities work together to create either a comprehensive plan for a larger area, possibly a county or historic district, or town specific plans that work together to keep big-boxes from building new stores within adjacent municipalities. This approach can be particularly effective since retailers often threaten that if they are denied approval they will take their proposal for a new store to a neighboring community. "Because trade areas for retail go well beyond the boundaries of individual municipalities, sound retail policies often require inter-jurisdictional agreements."<sup>151</sup>

## **II. Revisit Your Community's Zoning Ordinance**

Zoning regulations divide a community "into districts, or zones, with different rules for different districts."<sup>152</sup> Within each district, three items are most commonly addressed and regulated by local governments:<sup>153</sup>

- "the use of land and buildings;

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151 Herb Simmens, *Creating Communities of Place- Big Box Retail Vol. 1* (Trenton, N.J.: Office of State Planning- New Jersey Department of Treasury, 1995), 6.

152 Eric D. Kelly and Barbara Becker, *Community Planning: An Introduction to the Comprehensive Plan* (Washington, D.C.: Island Press, 2000), 203.

153 *ibid.*, 203.

- the intensity of that use, regulated by lot size, height limits... and
- the height and bulk, or extent, of that use, regulated both directly and indirectly, through requirements that portions of the lot be maintained for yards or setback.”<sup>154</sup>

Additionally, zoning ordinances can dictate parking requirements, special conditions for new development, lot sizes and signage regulations.<sup>155</sup>

Having a clear, up-to-date zoning ordinance that fully supports the community’s comprehensive plan will reinforce its preparedness for the inevitable threat of the big-box. After all “any large parcel of land over 15 acres that is currently undeveloped is a potential Wal-Mart site... [s]ometimes Wal-Mart will buy up seven or eight smaller pieces of land to knit them into a larger, single parcel for development.”<sup>156</sup> If a municipality is approached by a large-scale retailer and their zoning ordinance is not in line with the master plan, long meetings, community hearings and bad public relations are waiting on the horizon, all at a high cost to the citizens.

Sites that a community deems appropriate for retail development and where there is opportunity for reuse are most likely already zoned appropriately for commercial use; these areas being downtowns, central business districts or warehouse or industrial districts. Rather, it is the outer edges of town that need to be zoned properly if communities are to make retailers consider reuse in

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<sup>154</sup> *ibid.*, 203.

<sup>155</sup> Beaumont, *How Superstore Sprawl can Harm Communities: And what Citizens Can Do About It*, 23.

<sup>156</sup> Wal-Mart Watch, “Battle-Mart: Zoning Regulations,” [http://walmartwatch.com/battlemart/go/cat/zoning\\_regulations](http://walmartwatch.com/battlemart/go/cat/zoning_regulations) (accessed 4/19/2008).

existing developed areas. “If the land desired for a superstore is already zoned for large-scale commercial development, the developer has what is called ‘as-of-right’ zoning and will not need to get the land rezoned.”<sup>157</sup> This is true whether or not the development follows the vision set forth in the comprehensive plan or the understood but unwritten vision for the community. However, if the same tract of land is currently zoned for something other than the appropriate commercial development, such as residential or industrial, the developer will need to apply for a rezoning.<sup>158</sup>

In petitioning for a rezoning, the burden of proof rests on the developer or the party seeking the amendment, not on the municipality.<sup>159</sup> “In other words, it is reasonable and entirely legal for the local government to deny a rezoning unless the burden of proof is met.”<sup>160</sup> Meaning, if a community is approached by the Wal-Mart Corporation seeking to build a supercenter on the edge of town, but the existing zoning code has that area zoned as agricultural, Wal-Mart must file for an amendment to the zoning code requiring a rezoning.

Unlike most comprehensive plans, zoning codes have legal power. The process for obtaining rezoning approval is often included in the existing zoning code and will vary from community to community. However, “[a]ll state laws require a public hearing on the proposed change and some form of notice of the

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157 Beaumont, *How Superstore Sprawl can Harm Communities: And what Citizens Can Do About It*, 24.

158 *ibid.*, 24.

159 *ibid.*, 24.

160 *ibid.*, 24.



public hearing...”<sup>161</sup> This hearing is the opportunity for community members to voice their opinion and reference the town’s comprehensive plan. “In principle, and by law in most states, local governments should follow the comprehensive plan when considering a change to the zoning map.”<sup>162</sup>

Although it is ideal to have a current comprehensive plan and zoning codes to support the plan, this is often not the case. In these situations, having the comprehensive plan that clearly defines the community’s vision is the best tool available to citizens when entering a public hearing. As mentioned above, while not all comprehensive plans have the force of law behind them, they are one of the key documents in fighting a rezoning in the event that a zoning code is outdated.

In 1999, Home Depot attempted to get approval for a store in the town of Easton, Maryland within Talbot County. Ill-prepared to handle this proposal, the town enacted a ninety day moratorium, after which the town voted 2 to 3 to cap retail at 65,000 square feet. While this kept big-box retailers out of Easton, Home Depot quickly entered into an agreement to purchase eight lots just over the town line in Talbot County, on land zoned as industrial.<sup>163</sup>

“Since Talbot County did not have General Commercial zoning the Home Depot called itself the following so it could become a permitted use in the Limited Industrial Zone: 1) A Lumber Yard 2)

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161 Kelly and Becker, *Community Planning: An Introduction to the Comprehensive Plan*, 215.

162 *ibid.*, 216.

163 Sprawl-Busters, “Easton, MD. Towns Pass Size Cap, Depot Morphs” <http://www.sprawl-busters.com/search.php?readstory=526> (accessed 4/6/2008).

A Farm Machinery Operation, which allows sales of garden supplies. 3) A Green House and Plant nursery.”<sup>164</sup>

After spending three days at a nearby Home Depot, the Talbot County Planning Officer agreed that that the proposed Home Depot qualified as an industrial project.<sup>165</sup> It was then that the Talbot Preservation Alliance stepped in to challenge the ruling that Home Depot was an acceptable business for the industrial zone.

On November 10, 1999, Mr. Anthony Harrington, a Talbot County resident and future United States Ambassador to Brazil, made a statement to the Easton Town Council on behalf of the Talbot Preservation Alliance presenting suggested amendments to the existing zoning code “based on and justified by specific reference to [the] existing comprehensive plan”.<sup>166</sup> Quoting the plan, Mr. Harrington said “‘...there is enough commercial development at this time,’ and stated a clear preference for locating additional retail within the existing town.”<sup>167</sup>

Mr. Harrington urged that the town adopt one or more proposed zoning amendments:

“The amendments would either (a) prohibit additional big box retail stores larger than 25,000 square feet until further action by the Council, (b) not permit additional big boxes unless and until the

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<sup>164</sup> *ibid.*

<sup>165</sup> *ibid.*

<sup>166</sup> Anthony Harrington, "Moratorium Talbot Preservation Alliance Statement," [http://www.town-eastonmd.com/Moratorium/Talbot Preservation Alliance Statement.htm](http://www.town-eastonmd.com/Moratorium/Talbot%20Preservation%20Alliance%20Statement.htm) (accessed 4/4/2008).

<sup>167</sup> *ibid.*

total occupied and vacant retail space within a five-mile radius does not exceed the national average for the population, (c) prohibit big boxes as long as we have more than 25,000 square feet of vacant and available retail space within the town center or existing shopping centers, and/or (d) require affirmative assurance that there will be no material adverse traffic, economic, environmental and other negative impacts, through independent analysis obtained by the town and funded by proposed developers, with specific identification of what is coming to the proposed development.”<sup>168</sup>

While option (c) infers the idea of reuse, it is not spelled out as such. Clearer or additional wording may have allowed for the appeasement of the citizens while allowing the approval of the Home Depot. However, this plea on behalf of the community started a four year long battle between Home Depot and the county of Talbot. In April of 2004 Home Depot finally decided to cease all appeals.

### **III. Development Moratoriums**

In most states, if a community’s comprehensive plan and/or zoning ordinances are not up to date, a moratorium can be enacted to give the municipality time to study the impacts of development and revise the local comprehensive plan and zoning code accordingly.<sup>169</sup> Moratoria should generally be enacted as a last resort, as they are an “ultimately [an] ineffective substitute for good planning and regulation.”<sup>170</sup>

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<sup>168</sup> *ibid.*

<sup>169</sup> New Rules Project, “Development Moratoria,” <http://www.newrules.org/retail/moratoria.html> (accessed 4/6/2008).

<sup>170</sup> Merriam, “Breaking Big Boxes: Learning from the Horse Whisperers,” 28.

A moratorium can last for varying periods of time depending on its purpose - for example, a shorter moratorium may be enacted if the purpose is to compose an amendment to the existing zoning code. Longer moratoria can last months, even with the possibility of extension when impact studies need to be done before a community can make a decision on a proposed retail development. Communities should use this time “to consider effects of big-box development, to find a way to mitigate its negative effects and to enhance its positive ones.”<sup>171</sup> Once the time limit of the moratorium has expired, the municipality should have assembled the additional information, be it the result of “studies, plans [or] any new laws or regulations”<sup>172</sup> it needs to move forward in a beneficial way.

As a result of the 2002 U.S. Supreme Court case *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, “[a] moratorium when exercised properly, is a constitutionally protected planning tool.”<sup>173</sup> However, the enactment of a moratorium is often met with contest, and in extreme cases can be challenged leading to legal battles. Sometimes seen as “the most extreme land use action that a municipality can take because it suspends completely the rights of owners to use their property, it is advisable to precede the adoption of a

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171 Evans-Cowley and American Planning Association, *Meeting the Big-Box Challenge: Planning, Design, and Regulatory Strategies*, 33-34.

172 Patricia E. Salkin, “DRAFT: Municipal Regulation of Formula Businesses: Creating and Protecting Communities,” *Case Western Law Review* (Spring 2008).

173 *ibid.*

moratorium by findings that confirm the necessity of this action.”<sup>174</sup> For example, what are the conditions that mandate the imposition of a moratorium? Or, what recent circumstances have occurred that justify the adoption of the moratorium?<sup>175</sup> Possibly to prevent potential legal challenges, states such as New Jersey are unable to enact development moratoriums, because their Municipal Land Use Law specifically prohibits them.

Fort Collins, Colorado is an example of a town that has been able to enact a development moratorium in order to study the impact of retail sprawl. In 1994, when several big-box retailers intended to build stores in an area the city wanted to protect from sprawl, the city council enacted a six-month moratorium which halted the construction of all superstores.<sup>176</sup> Fort Collins explicitly explained the reasons for the moratorium, through Ordinance 111- ‘Establishing a Temporary Suspension of the Processing of Applications of Retail Superstores Within the City for a Period of Six Months.’ The ordinance cites, among other things, the following four points supporting the enactment of the moratorium:

- “that the City has recently been presented with development proposals for large, general and special merchandise stores, sometimes known as ‘superstores;’
- that the bulk, size and scale of such superstores present unusual land use concerns for the City, especially with regard to the aesthetic and transportation impacts of such uses;

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174 Suffolk County Planning Commission, "Suffolk County Planning Commission Advisory News 2," no. 1, Spring 1998.

175 *ibid.*

176 Leslie Tucker, *Temporary Development Controls Smart Growth: Tools for Main Street*, (Washington, D.C.: National Trust for Historic Preservation, 2002), 2.

- that considerable study is needed in order to determine the appropriate location for such land uses, the kind of design criteria which should be used to mitigate the visual impacts of the same, and the kind of infrastructure requirements which should be imposed to offset the parking and traffic impacts of such developments; and
- that the development of superstores, in the absence of appropriate regulatory guidelines, may have an irreversible negative impact upon the City."<sup>177</sup>

Lasting six months, the moratorium also specifically addressed its objectives:

“during the above mentioned period of time, the City should: (1) analyze and determine the type of vehicular trips that are generated by superstores to determine whether such trips are predominately regional, community or neighborhood in nature, in order to establish criteria for the appropriate location of such stores from a transportation standpoint; (2) develop appropriate criteria for regulating the size, architectural design and functional aspects of surrounding development; (3) develop criteria regarding the establishment of parking requirements for superstores to ensure that an adequate supply of parking spaces remains available City-wide to serve the overall street, highway and parking systems in the City; and (4) establish criteria regarding the regulation of the truck traffic that is needed to supply and service such superstores, to ensure that such regulations are in harmony with the transportation provisions of the Goals and Objectives element of the City's Comprehensive Plan.”<sup>178</sup>

At the end of the six-month moratorium in early 1995, Fort Collins adopted a set of big-box design standards. “The guidelines and standards were integral parts of the City's performance-oriented Land Development Guidance

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177 Fort Collins, Colorado, *Ordinance no. 111, 1994 of the Council of the City of Fort Collins Establishing a Temporary Suspension of the Processing of Applications of Retail Superstores within the City for a Period of Six Months, 1994.*

178 *ibid.*

System and have since been entirely incorporated into their Land Use Code.”<sup>179</sup> Had the city not enacted this brief moratorium, Fort Collins would have been overrun with out-of-scale monotonous architecture ultimately effecting the town’s infrastructure and character.

Similarly, in October of 2003, in response to an application from Wal-Mart, the city council of Austin, Texas unanimously voted to enact a 45-day moratorium on large-scale retail development on the environmentally sensitive Edwards Aquifer recharge zone. “The moratorium was passed in order to allow the city time to draft a permanent ordinance to protect the aquifer.”<sup>180</sup> During the moratorium, the city would be able to draft a “permanent ordinance to protect the aquifer.” After the 45-day moratorium expired, in late 2003, the city enacted Ordinance 031204-57 which added an overlay district to an existing zoned area that prohibited big-box retail inside the Edwards aquifer recharge zone.

These examples demonstrate two of the numerous reasons a municipality can enact a development moratorium. In Fort Collins the motive was to control the size and appearance of big-box stores, while in Austin, the motivation was to prevent development all together in a defined area. As stated earlier, while moratoria should not be used as a primary land use planning tool, if a

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179 Christopher Duerksen and Robert Blanchard, "Belling the Box: Planning for Large-Scale Retail Stores," Proceedings from the National Planning Conference (Boston, MA.: April 4-7, 1998).

180 Evans-Cowley and American Planning Association, *Meeting the Big-Box Challenge: Planning, Design, and Regulatory Strategies*, 34.

community's comprehensive plan and zoning ordinance do not speak directly to managing retail development and directing it towards existing empty structures, city officials should use what power they have to enact a moratorium. By determining the appropriate amount of time and clearly stating the reason and objectives for the development moratorium, city officials can with some ease adjust their zoning ordinance or comprehensive plan to specify adaptive reuse as the sole development option for large-scale retailers.

#### **IV. Withdraw Subsidies and Create Incentives for Reuse**

Unbeknownst to most taxpayers is the reality that their local governments actually offset the high costs of big-box development by providing subsidies to these retailers. Such subsidies can come in many forms, some of which include "free or reduced-price land, tax breaks, sales tax rebates, [and] state corporate income tax credits".<sup>181</sup> Most of these subsidies are known as discretionary subsidy deals, meaning they are "negotiated with individual companies, supposedly to influence an investment decision."<sup>182</sup>

"It works like this: Big corporations promise towns and cities development projects that will create lots of jobs. All the community has to do is pony up some money in the form of undeveloped land, tax discounts, sweetheart utility deals, massive road projects or even straight cash. And, since most communities

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181 John Dicker, *The United States of Wal-Mart* (New York: Jeremy P. Tarcher/Penguin, 2005), 27.

182 Good Jobs First, "Good Jobs First: Corporate Subsidy Watch, Overview," [http://www.goodjobsfirst.org/corporate\\_subsidy/overview.cfm](http://www.goodjobsfirst.org/corporate_subsidy/overview.cfm) (accessed 4/20/2008).



feverishly compete against each other in this giveaway game, companies shop around for the best deal.”<sup>183</sup> (See Figure 8)

According to newrules.org, a web site maintained by the Institute for Local Self-Reliance, the retail sector is particularly unjustified in its receipt of subsidies. Consider that big-box developments inherently result in increased public costs for services such as road maintenance, police, and infrastructure improvements. By providing these subsidies, retailers need not even consider these costs of development, since the expenditure is paid by tax payers regardless of whether or not they support the development.

However, “what makes discretionary subsidies so controversial is not only their fiscal impact but the fact that there are often no specific guidelines for determining which companies get them.”<sup>184</sup> It is possibly this lack of clarity that has allowed at least 160 Wal-Mart stores and 84 distribution centers to receive over \$1 billion in state and local subsidies.<sup>185</sup> However, according to a 2004 study conducted by Good Jobs First, a non-profit Washington think tank,

“[t]he actual total is no doubt much larger. In fact, in a rare reference to subsidies, a Wal-Mart official once stated that ‘it is common’ for the company to request subsidies ‘in about one-third of all [retail] projects.’ That would suggest that more than 1,000 Wal-Mart stores may have been subsidized, far more than the 160 we found from public sources.”<sup>186</sup>

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183 Sierra Club, “Sprawl Costs Us All,”

<http://www.sierraclub.org/sprawl/report00/corporate.asp> (accessed 4/20/2008).

184 Good Jobs First, “Good Jobs First: Corporate Subsidy Watch, Overview”.

185 Philip Mattera and Anna Purinton, *Shopping for Subsidies: How Wal-Mart Uses Taxpayer Money to Finance its Never-Ending Growth* (Washington, D.C.: Good Jobs First, 2004).

186 *ibid.*, 14.

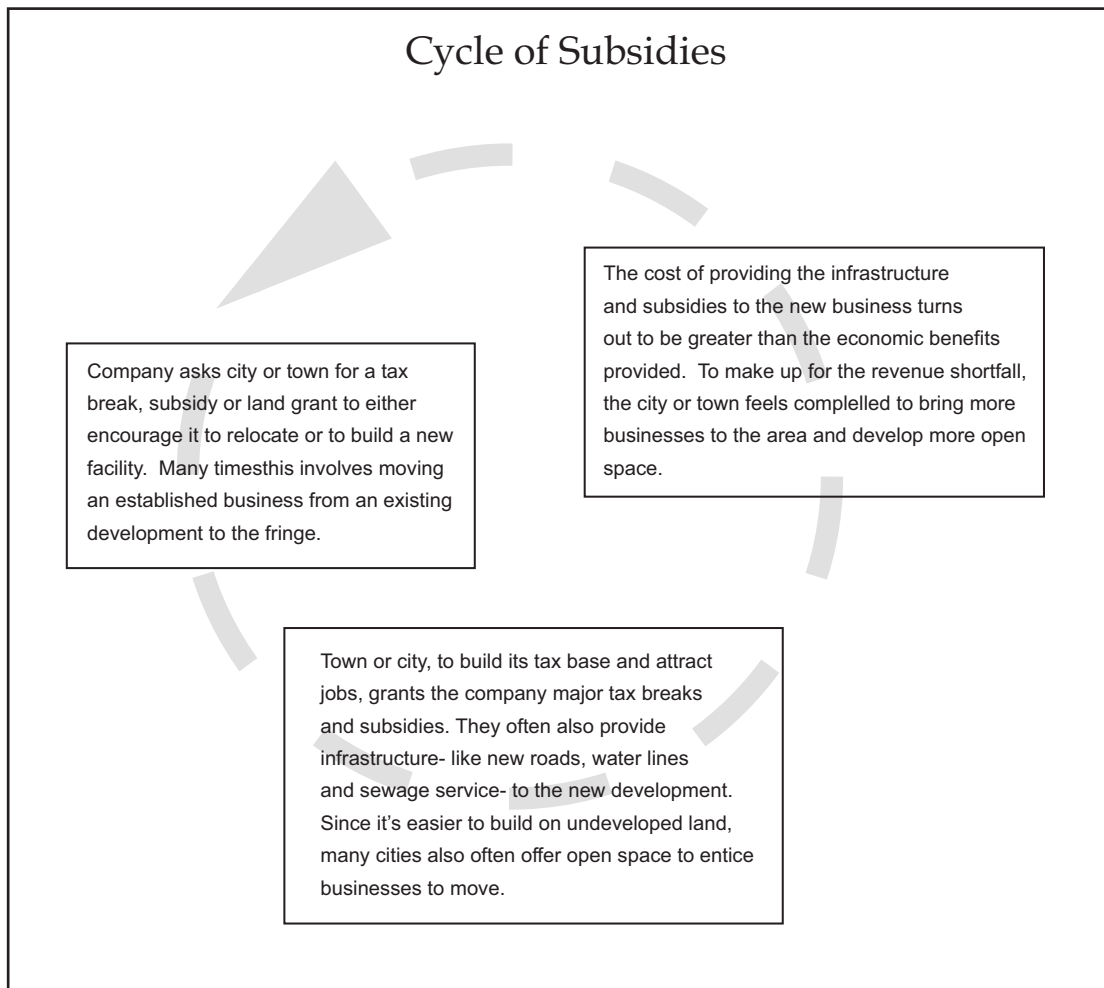


Figure 8: Cycle of Subsidies

(Courtesy of The Sierra Club, <http://www.sierraclub.org/sprawl/report00/corporate.asp>)

Maryland is one state that has taken a stand against such development subsidies. In 1997, Governor Parris N. Glendening signed the Smart Growth and Neighborhood Conservation Act. Under this smart growth policy, “Maryland has decided it no longer makes sense to force taxpayers to subsidize development, so the state has pulled the plug on subsidies for sprawl.”<sup>187</sup> The legislation prohibits the state from subsidizing construction of “growth-related projects”<sup>188</sup> unless they are located within Priority Funding Areas such as existing cities and towns and other areas that local government deems appropriate for new growth.<sup>189</sup> “Examples of ‘growth-related’ projects are land acquisition, roads, water and sewer projects, and economic development assistance.”<sup>190</sup>

Under this Maryland state law, even though developers can still build in areas not classified as Priority Funding Areas, the subsidies that they have become accustomed to which help offset the costs of construction of “new roads or water and sewer lines to middle-of-nowhere ‘sprawl sites’”<sup>191</sup> are no longer a piece of the negotiation formula. This legislation not only removes the benefit of subsidies that greatly contribute to the proliferation of big-box sprawl, but also

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187 Beaumont, Constance E. and Leslie Tucker, *Big-Box Sprawl (and How to Control it)*, 7.

188 Beaumont, *Better Models for Superstores: Alternatives to Big-Box Sprawl*, 42.

189 Beaumont, Constance E. and Leslie Tucker, *Big-Box Sprawl (and How to Control it)*, 7.

190 Beaumont, *How Superstore Sprawl can Harm Communities: And what Citizens Can Do About It*, 42.

191 Beaumont, Constance E. and Leslie Tucker, *Big-Box Sprawl (and How to Control it)*, 7.

manages to direct growth to designated areas as a means to prevent the propagation of sprawl.

While withdrawing subsidies that support big-box sprawl is a valuable tool for communities<sup>192</sup>, similarly, creating incentives that will help these retailers offset the costs of adapting an existing building is also a worthy approach to directing big-box development. Often these formula businesses will argue that adapting an existing vacant structure is just too expensive in comparison to their standard boxes. Municipalities can counter this argument by using citizen taxes to bring these businesses and their subsequent jobs to town while aiming this retail development to sites appropriate for reuse.

The city of Pasadena used such tax incentives to help convince Target to move into the old J.W. Robinson store, as discussed in Chapter 3. Since the multi-level store presented challenges that were inherently absent from their standard one-story store, Pasadena offered some enticement:

“The city had a discretionary fund set aside for partial sales tax reimbursement for large revenue producing tenants within its downtown. The fund helped to pay for upgrades that would serve Target’s needs in the multi-story space.”<sup>193</sup>

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192 Mattera, *Shopping for Subsidies: How Wal-Mart Uses Taxpayer Money to Finance its Never-Ending Growth*, 2004. Model Language on Restricting Subsidies from is included in its entirety as Appendix 6.

193 Nathan B. Cherry, "Big Boxes Go Downtown," *Planning* 70, no. 1 (January 2004), 20-20.

Additionally, “the ‘added’ costs of the elevators, as compared to conventional, one-story ‘big-box’ construction, were offset in a sales tax rebate agreement between the retailer and the city.”<sup>194</sup>

While creating statewide legislation may be a challenge (and in some cases even unrealistic), if nothing else communities should consider the benefits of developing financial incentives that promote reuse. As demonstrated by the example of Target in Pasadena, such incentives can be used to urge big-box retailers to break away from their formula of sprawling new development and work with an inventory of existing buildings. By supporting retail development in a more controlled environment, citizens’ taxes will be put to use in a more productive way that will ultimately preserve community character and conserve vacant land.

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<sup>194</sup> City of Pasadena- Planning & Development Department, *Rehabilitation of J.W. Robinson's 1958 Pasadena Department Store*. Full article is included in its entirety as Appendix 2.

## Conclusion

“Category killers and other large, value-oriented stores are the rising stars of the retail market and, for the foreseeable future, will be the greatest source of retail development across the country. This tide should not be ignored, but embraced; the potential anchoring capacity of superstores to sustain economic vitality and viability for entire downtown areas is staggering. Developed correctly, they could prove ideal partners in rehabilitation and revitalizing downtown and urban districts.”<sup>195</sup>

If we have anything to learn from retail history it is that today’s retail format is tomorrow’s white elephant. While its duration is difficult if not impossible to predict, we do know that the life span of any give retail format is ephemeral. The general store was replaced in the mid-1800s by the avant-garde multi-level downtown department stores, which were themselves eventually replaced by suburban malls in the 1970’s and 1980’s. Now, with the onslaught of online shopping and big-box retailers, many of these enclosed shopping malls of over 1 million square feet are facing their demise. Once abandoned, these behemoths become merely a relic of retail history. Because their design makes them inherently difficult to reuse, many cities across the country are left struggling with white elephants that, although once a boon to the economy, now function only as a drain.

This evolutionary pattern allows us to presume that a similar fate may be in store for the big-box format so popular today. Communities should be

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195 Kent Stasiowski and Seth Riseman, "Superstores Head Downtown," *Urban Land* 54, no. 12 (December 1995), 33.

knowledgeable of this probable future and use it as a basis for pushing for adaptive reuse. To be consistently using up vacant land to accommodate retailers that will predictably be empty in some time seems a waste when existing structures sit vacant acting as a physical and psychological eyesore.<sup>196</sup> Communities and planning professionals need to focus on the idea of adaptive reuse as a method of sustainability.

The proliferation of retail sprawl is not the fault of Target, Home Depot or Wal-Mart, although their roles as champions of the phenomenon often leave them open to that criticism. It is essential to remember that these formula retailers were merely responding to the evolution of our society and its dependence on the automobile. The reality is that their propagation is a result of our best intentioned development. Meaning, moving forward, we are the only one's who can control their future evolution.

A strategy to do away with big-box retailers entirely is not universally supported and is ultimately unrealistic. As long as the market supports them, and it will continue to do so for some time, these stores will continue to operate and expand. As Douglas Merriman says, "...the buying public's desire for cheap underwear or whatever else it is that they want from such stores will come to rule."<sup>197</sup> Consequently, communities must not handle big-box retailers as the enemy but rather as potential partners that provide a service in a market that has

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196 Donovan D. Rypkema, *Adaptive Reuse Class Lecture*, April 15, 2008.

197 Merriam, "Breaking Big Boxes: Learning from the Horse Whisperers," 16.

demonstrated a proven demand. “The reality is that the market is all powerful and those who regulate it should focus on ways to channel, not hold back, that force.”<sup>198</sup>

Today, as the cost of gasoline reaches four dollars a gallon, Americans have begun to rethink the ease with which they used to get in their car and drive out to the store. This, along with rising land costs, a result of its transformation to a finite resource, and the saturation of suburban markets, is prodding retailers to slowly start to consider downtown infill locations. According to Francisco Behr, President of Behr Browers Architects, Inc. “Land is getting more expensive and they are having to come up with new ways of laying things out. It’s not innovation; it’s all done because of a lack of choice.”<sup>199</sup> However, it remains a fact that such downtown locations are not their preferred choice.

Nonetheless, an increasing number of retailers have adjusted their strict formulas to meet the demands of communities that have taken an active role in fighting and controlling retail sprawl. Although “they may prefer their standard corporate designs... experience shows that if a community insists on a customized, site-specific design that is what it will get.”<sup>200</sup> While on a smaller-scale physically, Starbucks has demonstrated that unconventional spaces can be extremely profitable. Having reused hundreds of existing spaces of different

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<sup>198</sup> *ibid.*, 13.

<sup>199</sup> Fixmer, “Big Boxes Building Up as Squeeze for Space Hits Retail,” 22-23.

<sup>200</sup> McMahon, “*Have it Your Way*”, 13.



configurations, Starbucks has no “prescribed formulas” but consumers always seem know when they are in one.<sup>201</sup> With its net revenues of just over \$9 billion in 2007,<sup>202</sup> formula retailers may want to take a cue from smaller companies like Starbucks that make diverse spaces work to huge financial success. As long as there is a proven market to support them, it makes sense to amend big-box formulas to fit unconventional spaces.

It can be assumed that big-box retailers are functioning under the mantra “If it’s not broke, don’t fix it”. Their retail formula has proven monetarily successful with minimal adjustments and in the grand scheme of things, minimal detrimental effects.<sup>203</sup> There indeed has been controversy surrounding Wal-Mart but a look again at Figure 7 will demonstrate that this controversy has not done much to stunt the ever-growing Wal-Mart Empire. Therefore, it is up to a community’s leaders and citizens to take a proactive role to ensure retailers see adaptive reuse as a feasible option to their standard repetitive store. The importance of land-use planning in the fight to control retail sprawl simply cannot be overstated. By including retail development in a comprehensive plan, a community has taken the essential first step in directing growth and managing sprawl. This allows the community to define its vision for the future, while further identifying methods use to achieve that vision. A zoning ordinance that

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<sup>201</sup> *ibid.*, 15.

<sup>202</sup> Starbucks Corporation, *Fiscal 2007 Annual Report*, (2007).

supports the missions described in the comprehensive plan strengthens the community's tools to respond to big-box proposals. With it, a municipality can contain retail development to specific areas, ensuring that growth keeps within the boundaries set by the comprehensive plan. Both of these documents will help community leaders handle applications for retail development and support any decisions should they be legally challenged. And, while a community's preparedness is paramount to negotiating with formula businesses, they should not forget their ability to enact a development moratorium if approached by a retailer at a point when their land use management documents are not in line with the community's desires for itself.

Just as big-box retailers are motivated by their potential for profits, communities need to be aware of how financial incentives affect their vulnerability for encroachment by formula retailers. Ideally, municipalities should work to withdraw any subsidies that offset the cost of building big-box stores. Offering this financial assistance entices these retailers to locate anywhere appropriately zoned, regardless of the cost to build, improve or even expand municipal services. Rather, communities should consider developing financial incentives for downtown reuse, such as discretionary funds and partial sales tax rebates as seen in the case of the Pasadena Target, offering credits or breaks to help offset the cost of adaptation to make an existing space to work for them and their customers.

Ultimately, big-box retailers need not promote or precipitate sprawl. Whether a result of decreased automobile dependency due to increasing gas prices or concern for the environment or increasingly prepared communities, retailers will, in due course, see adaptive reuse as a feasible, financially viable alternative to their formulaic architecture. Although minimal, we have already begun to see this formula evolve further in response to poorly controlled sprawl, heightened environmental concerns and increasingly active community preservation.

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## Rehabilitation of J.W. Robinson's 1958 Department Store

City of Pasadena- Planning & Development Department. "Rehabilitation of J.W. Robinson's 1958 Pasadena Department Store."

### ***Rehabilitation of J. W. Robinson's 1958 Pasadena Department Store***

*The rehabilitation of a large, vacant, downtown department store would be welcome news in any community. But the rehabilitation in 1993-94 of the 1950s J. W. Robinson's department store in Pasadena's central business district—by a national "big-box" retailer—has generated interest well beyond the city limits.*

The chain retailer broke from conventional "big-box" standards of suburban-type development to occupy a historic three-story department store in an urban downtown setting, in the process becoming an unusual multi-story "big-box" and a veritable flagship store for the retailer. The project has been cited in planning and preservation articles and is included in a recent National Trust for Historic Preservation publication on suburban "superstore" sprawl. And, also of note, the rehabilitation respected the original design of the 1950s Postwar Modern building, retaining its historic appearance and character-defining features at a time when buildings from the recent past in general, and International style architecture in particular, are not yet widely appreciated.

The J. W. Robinson's department store occupies a full city block on Colorado Boulevard, the city's main ceremonial thoroughfare, just west of Lake Avenue in the central business district. The three-story 163,000-square-foot building covers the front half of the block, while a three-level parking structure covers the rear half. The building consists of two large interlocking cubes, one two-story and the other three-story, with an exterior of painted oversized brick, exposed aggregate concrete panels, and a ground floor "reveal" of mosaic tile on the three-story portion of the building. Except for the ground floor entrances on each street, the building is unfenestrated and is setback along the Colorado Boulevard frontage to accommodate a raised landscaped terrace with a hexagonal paving pattern with inlaid tile, diamond-shaped brick planters, mature olive trees, and a decorative metal trellis which wraps around three sides of the building. A landscaped courtyard at the rear of the building separates the north face of the building from the parking structure.

The exterior of the 1950s building, while not the image normally associated with "big-box" retailers, is largely unchanged on the three street elevations of the building. New lighting fixtures match the previously existing fixtures and the earthquake-damaged mosaic wall tile and inlaid paving tile were repaired. Store entrances no longer required by the rehabilitation remain as display windows. At the rear of the building, the addition of a new two-story glass enclosure for a food court enhances the existing landscaped courtyard and two, new, free-standing arches span the existing pedestrian bridges connecting the parking structure to the building. A small roof-top structure for an outdoor garden center was constructed on the upper level of the parking structure.

A major challenge of the rehabilitation was accommodating the use of shopping carts, a mainstay of "big-box" retailing, on the store's two retail floors (the third floor houses administrative functions). Four specially-designed elevators, each big enough to hold four

## Continued... Rehabilitation of J.W. Robinson's 1958 Department Store

shoppers with carts at a time, connect the two floors. (As a project inducement, the "added" costs of the elevators, as compared to conventional, one-story "big-box" construction, were offset in a sales tax rebate agreement between the retailer and the city.)

The J. W. Robinson's Pasadena department store was designed by architect William L. Pereira, of the firm of Pereira and Luckman, and built in 1957-58 by the William Simpson Construction Company. The building was the third Robinson's commission for Pereira and was one of the last downtown department stores to be constructed in Southern California (while Robinson's was opening, a neighboring Sears department store just a few blocks west on Colorado Boulevard was moving to a new suburban-style store at the Hastings Ranch Shopping Center in east Pasadena).

Robinson's Pasadena is included in the city's inventory of historically and architecturally significant buildings and is locally significant as an example of the 1950s Postwar Modern-International style and of the work of architect William L. Pereira (1909-1985). Pereira's distinguished list of projects includes CBS Television City (also with a metal entrance canopy), the Los Angeles County Museum of Art, the master plan for Los Angeles International Airport and the Theme Building (both in association with architects Paul R. Williams and Welton Becket), the Disneyland Hotel, the Irvine master plan, the Cape Canaveral rocket-launching facilities, and the Transamerica Pyramid in San Francisco.



## MCG Architects Design First Multi-Level Target Store

City of Pasadena- Planning &amp; Development Department. "MCG Architects Design First Multi-Level Target Store." 1993.

**MCG Architects Design First Multi-Level Target Store**

PASADENA, CA — Pasadena-based MCG Architects (McClellan/Cruz/Cayford & Associates, Inc.) has been selected as the architectural firm for Target's first multi-level project. The 162,474 square foot, three-story store will be amongst the chain's largest to date. The store will be established in a recently closed J. W. Robinson's department store located at 777 East Colorado Boulevard. An additional 1,990 square feet will be added to the existing 160,484 square foot structure to create a "Food Avenue."

City approvals have been granted for the project, which encompasses a four and one-half acre site. Dillingham Construction started conversion of the interiors in July 1993, and a March 1994 store opening is planned.

The now vacated J.W. Robinson's building originally opened May 12, 1958 at a cost of \$7 million. May Department Stores, the building's owner, closed the store in January 1993. In April of this year, Target Stores completed the purchase of the land and building that is considered a part of Pasadena's Playhouse District.

Brian Tiedge, MCG Architect's principal-in-charge of the project, said, "Maintaining this landmark structure's historic appearance is one of our primary goals." "We plan to preserve the existing colors, materials and architectural characteristics. We plan to work closely with city planners to ensure this project meets their demands to maintain its historic characteristics."

"The key design element of this project is the vertical transporting elevator and escalator system. The system currently in place was designed for J.W. Robinson, which is a different

**MCG Architects Design First Multi-Level Target Store**

(Continued from page 4)



type of store than Target. The Target customer relies very heavily on the use of shopping carts," said Tiedge. The new system, developed by the Target Store team, will be entirely reconfigured into a central core that will house four very large elevators (approximate size 8'x14' each) and one set of escalators. Each elevator will fit up to four shoppers and their carts, and feature glass sides enabling the customers to view the store while inside the unit. According to Michelle Baratta of Lerch, Bates & Associates, the Los Angeles vertical transportation consulting firm used to consult on this project, the elevators will have flow-through circulation--enabling the shopper to enter and exit the elevator cab without any turning movement of the shopping cart. The escalator system will be situated between the four elevators, completing the redesigned vertical transportation core.

The existing site consists of a three-level parking structure that is attached to the three-level department store. The third level of the parking deck has a bridge that connects to the second level of the store. A new 1,990 square foot, two-story addition to the existing structure will consist of Target's "Food Avenue" on the first floor, and "Guest Services" on the second floor. The top level of the parking deck will feature an 8,040 square foot outdoor garden center. The third level of the store will be devoted to employee functions, storage and training rooms.



## Design Challenge- Target's first multi-level store.

City of Pasadena- Planning & Development Department. "Design Challenge- Target's First Multi-Level Store." 1994.

**Design challenge - Target's first multi-level store.**

The 163, 000 square foot renovated department store is Target's largest to date. The project is a *retrofit* of the former J.W. Robinson's, located on Pasadena's historic Colorado Boulevard, site of the annual Rose Parade route.

Our first objective was to maintain the landmark structure's historic appearance.

This entailed preserving the existing brick and aggregate concrete facade, as well as the steel trellis encircling the building. Decorative lighting was designed to match the original fixtures in addition to an arch feature and a steel and glass structure enclosing the food court area.

Another design challenge was *retrofitting* this 2-level former historic building located in a community with growth restricted policies. This "downtown-style" Target features two levels of retail and a third of administrative offices attached to a three level parking structure. The first floor features clothing shoes and toys. The second level houses merchandise such as small appliances, books and sporting goods. Checkout counters are available on the first two floors. The third floor features Target's Garden Center, which proved to be so popular the first week Target opened (March 15th of this year) expansion of the Center is under construction now.

One very unique feature of the store's interior are four elevators that measure 8 feet by 14 feet each. These elevators can accommodate up to four shoppers with carts. Portions of the elevators feature glass windows so customers can look out into the store's interior. These elevators transport shoppers and their carts from the first to the second level.

Continued... Design Challenge- Target's first multi-level store.

Neon is used extensively in the store's interior, as well as Target's striking red "bullseye" signage seen dramatically throughout the perimeter of the building. The ground floor outdoor area features a courtyard with tables and colorful umbrellas.

Construction cost breakdowns for this store are itemized on a separate sheet, enclosed. Total cost is \$10,103,000.

The challenge of retrofitting this building has proven to be highly successful - not only aesthetically, but from a commercial venture as well.

Appendix 5

Vernon Plan of Conservation & Development  
Section X. Policies, Goals and Objectives

Harrall-Michalowski Associates, Inc. in association with Milone & MacBroom, Inc. Vernon Plan of Conservation & Development. (Vernon, Connecticut: 2001).

**X. POLICIES, GOALS AND OBJECTIVES**

Based upon public input received as well as the topical analysis completed to date, a series of policies, goals and objectives have been prepared in draft form. This material is organized in accordance with the major components of the Plan of Conservation and Development. These policies, goals and objectives were subject to review by the Planning and Zoning Commission as well as the public prior to inclusion in this Plan of Conservation and Development.

**A. HOUSING POLICIES, GOALS AND OBJECTIVES**

***Policy***

The Town of Vernon currently has a diverse housing inventory which provides for housing choice throughout the community. This inventory includes a substantial number of multi-family rental and condominium units. In terms of affordable housing, Vernon has over 21% of such units or twice the percentage of units needed to be exempt under Section 8-30g (Affordable Housing Appeals) of the Connecticut General Statutes. It shall be the policy of the Town to maintain this diversity in the housing inventory. However, particular attention shall be given to increasing the percentage of homeownership, providing housing types appropriate for the anticipated aging of the population and increasing the amount of housing available to meet the high end of the market. An underlying premise of housing policy shall be the provision of housing at locations and in a form which is supportive of preservation of Vernon's natural environment and can be served by the Town's infrastructure and community facilities.

***Goal: Increase Homeownership Opportunities Within the Housing Inventory***

- Utilize flexible zoning approaches and financial incentives to increase homeownership in Rockville through the conversion of multi-family structures to single family homeownership.

- Retain zoning patterns which reserve appropriate areas of the Town for single family homeownership.

***Goal: Provide Housing Types Appropriate to Meet the Needs of an Aging Population***

- Consider zoning regulations which encourage innovative housing approaches such as accessory apartments and home sharing.
- Support public and non-profit agency initiatives to provide housing for various segments of the aging population.
- Support private initiatives to provide assisted living and other housing appropriate to meet the emerging needs of the aging population.

***Goal: Increase the Supply of Housing in the High End of the Market***

- Encourage high standards of site development through revisions to the Subdivision Regulations.
- Consider increasing minimum floor area requirements above the 1,000 square feet in the R-40 Zone.
- Consider the establishment of a larger lot zone than the R-40 district in appropriate areas based upon the natural environment of such areas and extent of infrastructure.
- Consider the re-zoning of some R-27 areas to R-40.

**B. ECONOMIC BASE POLICIES, GOALS AND OBJECTIVES**

***Policy***

The Town of Vernon should pursue a policy of diversity of its economic base in order to support the quality of life desired by its residents. Public input during the Plan of Conservation and Development update favored economic development, but not at the expense of the character of the community or at risk to the natural environment. A policy

of quality development over quantity should be pursued with careful consideration of design as well as development sustainable by existing or reasonably improved infrastructure systems.

***Goal: Attract Development to the Route 84 Corridor Which is Primarily Non-Retail and Non-Residential***

- Review the provisions and location of the Special Economic Development Districts within the I-84 Corridor to determine appropriateness and effectiveness.
- Development in the I-84 Corridor should be reviewed within the context of its relationship to Route 30.
- No extensions of commercial zoning districts should be considered for the Route 84 Corridor.

***Goal: Interfaces Between Residential and Non-Residential Areas Should be Adequately Buffered***

- Existing land use patterns should be reviewed in order to determine the need for zoning district boundary revisions to protect residential areas from the impacts of non-residential development.
- A requirement of a minimum landscaped buffer strip between non-residential uses and residential districts should be incorporated into the Zoning Regulations. Such strips may exceed the 25 foot depth currently required based upon the nature and intensity of the non-residential use.
- Performance standards for non-residential uses should be reviewed to determine the need for revision to assure minimal impact on residential areas. Issues such as hours of delivery and operation, idling of trucks and outdoor storage should be reviewed.

***Goal: Encourage the Occupancy and Re-Use of Existing Structures***

- The Zoning Regulations currently allow higher lot coverage in commercial and industrial districts as a special permit if it will not increase off-site storm water run-off beyond acceptable levels. Consideration might be given to establishing a set coverage for various districts with special permits for additional coverage only allowed for sites currently developed at some established threshold.
- Special mixed use regulations might be considered which provide for flexible density and parking requirements to encourage adaptive re-use of existing structures.

**C. DESIGN POLICIES, GOALS AND OBJECTIVES**

***Policy***

The Town of Vernon has examined a wide range of design quality in its built environment. The public dialogue during the Plan of Conservation and Development update process often focused on the need to achieve a higher design quality in the future. Standards should achieve the desired goals. Design review should discourage aesthetic mediocrity and encourage quality design solutions.

***Goal: Promote Aesthetically Pleasing Developments***

- The Planning and Zoning Commission should consider providing design guidelines for specific neighborhoods or sections of the community to provide overall guidance to the design review process. This might involve design charettes to gain public input.
- The design review process should be revised to increase the degree of coordination between the Design Review Advisory Committee and the Planning and Zoning Commission. Requirements for when such a review is required and formalized reporting for the Advisory Committee should be reviewed and possibly modified.

***Goal: Preserve the Special Character of Existing Neighborhoods***

- The use of the Planned Neighborhood Development District which allows flexibility in various lot coverage, yard requirements and height requirements might be extended to additional areas of Town with the use of special permit procedures.
- Zoning incentives should be considered to encourage the re-use of vacant structures and parcels within developed areas in order to support revitalization and reduce pressures for development in undeveloped areas of Town.
- The Planning and Zoning Commission should consider adoption of Village District regulations for appropriate areas of the Town.

***Goal: Protect the Public Health, Safety, Convenience, Welfare and Natural Environment***

- The design concepts contained in development regulations should have an overriding objective of protection of the Town's citizens and the natural environment. Particular attention should be given to pedestrian and vehicular safety, appropriate lighting, preservation and addition of natural vegetation and the reduction of impervious surfaces.

**D. COMMUNITY FACILITIES POLICIES, GOALS AND OBJECTIVES**

***Policy***

The Town of Vernon provides a network of community facilities with which residents have expressed general satisfaction throughout the Plan of Conservation and Development update process. Some concern has been expressed as to the need to increase maintenance activities to prevent deterioration resulting from overuse. This concern has been expressed in specific relation to recreation facilities. The policy of the Town should be to commit funds necessary for maintenance of facilities. In addition, the impact of development, both residential and non-residential, on community facilities should be reviewed as part of the development permitting process. The Capital Improvement

Program should be coordinated with growth management to insure the continued adequacy of community facilities.

***Goal: Maintain Existing Community Facilities to Serve the Needs of Town Residents***

- Appropriate Town departments should prepare an assessment of facilities and identify repair needs. An on-going maintenance program should be established.
- Where appropriate, specific maintenance tasks might be identified where community groups can provide volunteer services. The most common example of this approach is an Adopt-A-Park or Adopt-A-Spot program

***Goal: Manage Growth in Coordination with Community Facilities Capacity Analysis***

- All special permit applications should contain a requirement wherein the applicant must identify any anticipated impacts on community facilities. Such a requirement might be considered for residential developments proposing over an established number of units.
- All referrals for municipal improvements under Section 8-24 should be reviewed in accordance with the Plan of Conservation and Development with particular attention to the development potential analysis included as part of this Plan. The Planning and Zoning Commission should establish a process for consultation on community facilities site selection prior to the stage of referral under Section 8-24.

***Goal: Coordination of Capital Improvement Program Process Should Include the Active Participation of the Planning and Zoning Commission***

- In order to coordinate growth management with Town investment decisions, the Planning and Zoning Commission should have an integral role in the preparation of the Town's Capital Improvement Program. This role will enhance the effectiveness of the referral process under Section 8-24.



- In the review of development applications, the Planning and Zoning Commission should take the lead in the coordination of improvements required of an applicant and scheduled improvements contained in the Capital Improvement Program.

#### **E. TRANSPORTATION POLICIES, GOALS AND OBJECTIVES**

##### ***Policy***

The residents of Vernon have expressed concerns about the general increase in traffic volumes with resulting congestion and threats to safety. Several streets and/or sections of the town have been cited as areas of concern. This increased traffic and resulting impacts are adversely affecting the quality of life in Vernon. The transportation policy for Vernon is to manage growth and resulting demands on the transportation network to reduce and/or minimize such impacts on the quality of life in the community.

***Goal: Manage growth within Vernon's business corridors to avoid negative impacts on the transportation network***

- All development proposals requiring a special permit shall be required to submit a traffic impact study which provides evidence to the Planning and Zoning Commission that the LOS at any affected intersection shall not be reduced below Level D. If existing conditions are below Level D there shall be no further lowering.
- An access management plan shall be prepared for all corridors and development application proposals will be reviewed for consistency with the plan. As an incentive to reduce driveways, a coverage bonus will be provided to developed properties when existing curb cuts are eliminated.
- As appropriate, the Planning and Zoning Commission will consider re-zoning within the corridors to reduce the traffic generation potential.

***Goal: Reduce the Use of Residential Streets for By-Passes or Cut-Throughs by Non-Local Traffic***

- Where possible, improvements to corridors and major collector roads should be made to reduce the use of residential streets for such purposes.
- Traffic calming techniques should be used to discourage through traffic on residential streets.
- In the review of development applications requiring a traffic study, an analysis of the potential impact on residential streets should be required in addition to Level of Service intersection analysis. Such analysis would be part of the general traffic assignment prepared by the applicant.

***Goal: Improved Pedestrian and Bicycle Linkages Should be Provided as Both Public Facility Improvements and as Part of Private Development Proposals.***

- The Planning and Zoning Commission shall prepare and adopt a Pedestrian and Bicycle Network Plan.
- All special permit applications as well as residential projects over an established number of units would be required to provide an analysis of potential pedestrian and bicycle linkages internally and with adjacent developments. Consistency with the Pedestrian and Bicycle Linkages Plan would be required.

***Goal: Off-Street Parking Should be Provided in a Sufficient Amount and at Appropriate Locations to Support Sound Development***

- Off-street parking facilities should be provided in Rockville for both residents and in support of business, institutional and government uses.
- The parking requirements of the zoning ordinance should be reviewed to determine adequacy. Consideration might be given to permitting joint use of spaces when in the opinion of the Commission such use would meet parking requirements.

## **F. OPEN SPACE POLICIES, GOALS AND OBJECTIVES**

### ***Policy***

Establishment of a clear, concise resource conservation policy is essential to the formulation of an Open Space Plan. The policy statement establishes the Plan's goals and objectives; provides a foundation for regulation; and guides the actions and strategies for land acquisition. As describe in the preceding sections as well as in other sections of the Plan, Vernon has a wealth of natural resources worth preserving. With this in mind it is the overall policy of the Open Space Plan to enhance the quality of life in the town of Vernon through protection of its resources and through provision of adequate outdoor recreational lands. With this policy statement in mind, the following represents the goals and objectives of the Open Space Plan.

***Goal: Identify and protect ground and surface water supply sources to ensure sufficient clean water supply for future generations of Vernon residents.***

### **Objectives:**

- Develop mechanisms to protect and preserve groundwater supply sources;
- Continue to maintain as open space the lands which are presently preserved as open space for the protection of a public water supply system.

***Goal: Provide a wide variety of high quality outdoor active and passive recreational opportunities to all citizens of Vernon***

### **Objectives:**

- It is the primary objective of the plan to preserve 21% of Vernon's total acreage as open space by the year 2023.

Appendix 5

Continued... Vernon Plan of Conservation & Development  
Section X. Policies, Goals and Objectives

- Encourage continued evaluation of the potential use of rivers and water bodies for recreation by providing access for canoes, kayaks and fishing as well as for aesthetic purposes.
- Provide sufficient open space areas to meet future requirements for organized sports;
- Identify and preserve tracts of land particularly suited for passive recreational purposes;
- Require that a management plan of land and recreational use be produced for any municipally owned open space recreational area within the town limits. Plans should include comments from the Department of Parks and Recreation, Conservation Commission, Inland Wetlands commission and other knowledgeable boards, agencies or Commissions;
- Provide a network of interconnected greenways which serve to expand passive recreation opportunity and to increase public accessibility to park areas;
- Encourage the development of a network of trails for walking, cross country skiing, snowshoeing, and flora and fauna observations;
- Create linkages to existing trails maintained by the Town & by other public and private entities such as neighboring towns or the Connecticut Forest & Park Association;

***Goal: Protect and preserve the scenic, historic, cultural and natural resources of the town of Vernon***

**Objectives:**

- Preserve the historic and cultural heritage of Vernon through a strengthened program of historic preservation;
- Identify and protect areas of critical environmental concern;
- Identify and protect critical habitat areas including vernal pools;
- Encourage expansion of our preserved open space areas and greenways, particularly those sites which would link existing open space areas;

- Give full support to the preservation of areas which contribute to the scenic value and special character of a neighborhood;
- Take advantage of opportunities which expand our existing wildlife corridors and which ensure the survival of local wildlife species;
- Establish a preserved buffer area of 100 feet from the 500-year floodplain on either side of the river or stream bank. This will ensure protection of watersheds and the riparian zones. This should apply to the Hockanum and Tankerhoosen rivers and to Ogden, Gages and Railroad brooks;
- Preserve areas containing slopes which exceed 15%;
- Establish a logging ordinance;
- Formulate an "open space brochure" for the town of Vernon;
- Review and incorporate recommendations and information from the State Plan of Conservation into the master plan of conservation and development whenever necessary;
- Establish a logging ordinance;
- Hire a part-time environmental officer;
- Ensure that all deeds for true open space state that the property is to remain open space in perpetuity;
- Ensure that Town zoning regulations base the intensity of development in given areas upon the capacity of the natural resources of those areas to sustain that development.

***Goal: Protect and maintain areas which serve a critical function in providing for the health and safety of the residents of Vernon***

**Objectives:**

- Support actions which protect floodplains and limit the use of flood prone areas;
- Support actions which ensure the continued ability of wetlands areas to function as water storage areas or as groundwater recharge areas;

- Ensure the maintenance of and adherence to proper soil conservation practices as well as soil erosion and sedimentation control procedures.

***Goal: Establish greenways within the Town of Vernon and extending greenways to adjacent communities.***

**Objectives:**

- Support the concept of greenways and actions that enable the establishment and growth of greenways, in accordance with Public Act. No. 95-335 - An Act Concerning Greenways and Denial or Modification of Certain Zoning Permits Because of Off-Site Traffic Impacts.
- Support the recommendations of the State Greenways Committee more particularly defined in "Greenways for Connecticut", a report to the Governor from the Connecticut Greenways Committee, December 1994.
- Actively pursue the establishment of the Hockanum, Tankerhoosen & Box Mountain Greenway's

***Goal: Establish protected ridgelines***

**Objective:**

- Identify key ridgelines areas and develop a plan for their protection

Appendix 6  
Model Language on Restricting Subsidies

Mattera, Philip and Anna Purinton. *Shopping for Subsidies: How Wal-Mart Uses Taxpayer Money to Finance its Never-Ending Growth*.  
Washington, DC: Good Jobs First, 2004.

**Appendix A: Model Language on Restricting Retail Subsidies**

AN ACT TO PROHIBIT THE PROVISION OF ECONOMIC DEVELOPMENT  
SUBSIDIES TO CERTAIN RETAIL FACILITIES.

Be it Enacted by the State of \_\_\_\_\_:

Section 1. Definitions.

- (1) “BASIC RETAIL SERVICES” MEANS THE PROVISION OF FOODSTUFFS, HOUSEHOLD SUPPLIES OR PHARMACEUTICALS BY A RETAIL FACILITY.
- (2) “BLIGHTED AREA” MEANS A CENSUS TRACT WITHIN THE STATE WHERE THE UNEMPLOYMENT RATE EXCEEDS BY TWO PERCENTAGE POINTS THE STATE’S AVERAGE ANNUAL UNEMPLOYMENT RATE OR WHERE THE PERCENTAGE OF HOUSEHOLDS BELOW THE POVERTY RATE IS 30% OR MORE IN THE MOST RECENT CENSUS.
- (3) “DEVELOPMENT SUBSIDY” MEANS ANY EXPENDITURE OF PUBLIC FUNDS WITH A VALUE OF AT LEAST \$25,000.00 INCLUDING BUT NOT LIMITED TO BONDS, FEE WAIVERS, GRANTS, LAND PRICE DISCOUNTS, LOANS, MATCHING FUNDS, PROPERTY TAX ABATEMENTS, TAX CREDITS, TAX EXEMPTIONS OR TAX INCREMENT FINANCING GIVEN AS AN INCENTIVE TO A BUSINESS FOR THE PURPOSE OF ECONOMIC DEVELOPMENT WITHIN THE STATE.
- (4) “BUSINESS” MEANS A CORPORATION, PARENT CORPORATION OR SUBSIDIARY OF A CORPORATION THAT OWNS A RETAIL FACILITY.
- (5) “GRANTING BODY” MEANS THE STATE OR A LOCAL PUBLIC ENTITY THAT PROVIDES A DEVELOPMENT SUBSIDY.
- (6) “LOCAL GOVERNMENT UNIT” MEANS AN AGENCY, BOARD, COMMISSION, OFFICE, PUBLIC BENEFIT CORPORATION OR PUBLIC AUTHORITY OF A POLITICAL SUBDIVISION OF THE STATE.
- (7) “NEW EMPLOYEE” MEANS ANY INDIVIDUAL WHO IS EMPLOYED AT THE RETAIL FACILITY ON A PART-TIME OR FULL-TIME BASIS, OR WHO PERFORMS CONSTRUCTION, ALTERATION OR RENOVATION WORK AT THE FACILITY SITE.

(8) “RETAIL FACILITY” MEANS A FACILITY USED IN WHOLE OR IN PART TO MAKE RETAIL SALES OF TANGIBLE PERSONAL PROPERTY.

Section 2. Prohibited Subsidies.

(1) A DEVELOPMENT SUBSIDY SHALL NOT BE PROVIDED BY THE STATE OR A LOCAL GOVERNMENT UNIT TO A RETAIL FACILITY UNLESS:

(a) THE FACILITY IS LOCATED IN A BLIGHTED AREA;

(b) THE DIRECTOR OF THE GRANTING BODY CERTIFIES IN WRITING THAT THE AREA LACKS BASIC RETAIL SERVICES AND BUT FOR THE DEVELOPMENT SUBSIDY, THE AREA WOULD NOT RECEIVE SUCH SERVICES; AND

( c ) THE BUSINESS RECEIVING THE SUBSIDY SHALL PROVIDE EACH NEW EMPLOYEE WITH WAGES EQUAL TO 115 PERCENT OF THE AVERAGE HOURLY WAGE PAID TO NON-MANAGERIAL EMPLOYEES FOR ALL INDUSTRIES IN THE COUNTY OF THE PROJECT SITE.

(2) IN NO EVENT SHALL A SUBSIDY BE PROVIDED TO A RETAIL FACILITY THAT OTHERWISE MEETS THE CRITERIA UNDER PARAGRAPH (1) IF THE BUSINESS THAT OWNS THE FACILITY HAS VACATED ANOTHER RETAIL FACILITY LOCATED WITHIN THE COUNTY AND LEFT IT VACANT.

Section 3. Pre-emption.

NOTHING IN THIS ACT SHALL BE READ TO REQUIRE OR AUTHORIZE ANY BUSINESS TO REDUCE WAGES OR BENEFITS ESTABLISHED UNDER ANY COLLECTIVE BARGAINING AGREEMENT OR ANY STATE OR FEDERAL LAW.

Section 4. Effective date.

THIS ACT SHALL TAKE EFFECT SIXTY DAYS AFTER ITS ENACTMENT.



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